

REMARKS

ON

TRINITY CHURCH BILL,

BEFORE

THE COUNCIL OF REVISION.

BY ROBERT TROUP, ESQ.,

ONE OF THE VESTRYMEN OF TRINITY CHURCH.

NEW-YORK:

PRINTED BY T. AND J. SWORDS,

No. 160 Pearl-street.

1813.

REPRINTED BY JAMES A. SPARKS,

No. 161, Fulton-street, opposite St. Paul's.

1846.

NOTE.

These "Remarks" are re-printed from a copy that, with manuscript corrections and notes, came from JUDGE TROUP's own hand. There can be no doubt but that the same alterations and additions were made upon every copy that was *authoritatively* issued. They are incorporated in the present edition. A few references, and two or three brief notes with brackets [] for convenience have been added.

New-York, January, 1846.

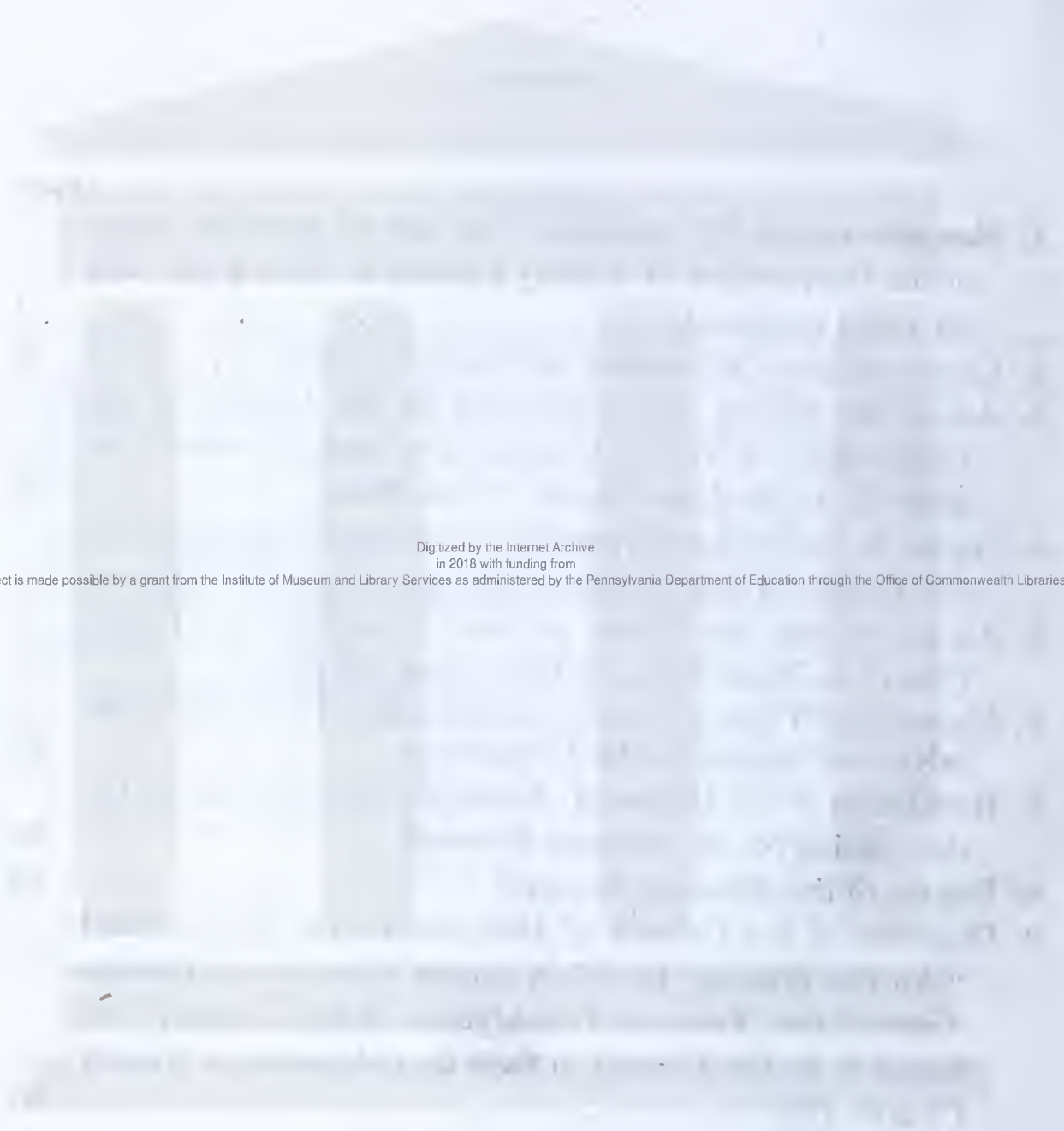
CONTENTS.

	PAGE.
1. Remarks on the Bill entitled, "An Act to alter the name of the Corporation of Trinity Church in New-York, and for other purposes.	4
2. Charter of the Corporation of Trinity Church.	39
3. An act for making such alterations in the Charter of the Corporation of Trinity Church as to render it more conformable to the Constitution of the State.	56
4. An act to enable the corporation of Trinity Church, in the city of New-York, to assume the name therein mentioned.	62
5. An act to alter the Name of the Corporation of Trinity Church in New-York, and for other purposes.	63
6. Memorial of Thomas Farmar and Benjamin Ferris, for themselves and others, to the Legislature.	67
7. Resolution of the House of Assembly referring the Bill to the opinion of the Attorney General.	68
8. Report of the Attorney General.	68
9. Objection of the Council of Revision to the Bill entitled "An Act granting Relief in certain cases to the Inhabitants of the Town of Brooklyn, in Kings county;" referred to by the Council in their first objection to Trinity Church Bill.	69

THE

REMARKS

ON



Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

REMARKS

On the Bill entitled "An Act to alter the Name of the Corporation of Trinity Church, and for other Purposes."

THE Bill was popular in both Houses of the Legislature, and it passed by large majorities. Certain objections were, notwithstanding, reported against it in the Council of Revision; and these remain to be acted upon at the next meeting of the Council. Two members of that Honorable Body were pleased to express a desire that the subscriber would furnish them with his reasons in support of the bill; and, in compliance with this desire, the following remarks are most respectfully submitted.

In the year 1697, a charter was granted by the Crown of Great Britain to the Episcopal inhabitants of the city of New York, by the name of the "Rector and Inhabitants of our said City of New York, in Communion of our Protestant Church of England, as now established by our laws." The charter ordains, "that the church erected and built and situate in and near the street called the Broadway, within our said city of New York, and the ground thereunto adjoining, enclosed, and used for a church-yard or cemetery, shall be the *parish church*, and church-yard of the *Parish of Trinity Church*, within our said city of New York, for the use and behoof of the inhabitants, from time to time, inhabiting, or to inhabit within our said city of New York, in communion of our Protestant Church of England, as now established by our laws."* And also "that the said *church* and cemetery, or church-yard, shall be the *sole and only parish church* and cemetery, or

[* Vide Charter, post. lines 141—155.]

“church-yard, of our said city of New York.”* And the charter further ordains, “that there shall be annually, and once in every year for ever, on the Tuesday in Easter week, two church-wardens and twenty vestrymen duly elected by the majority of votes of the inhabitants of the said *parish* in communion as aforesaid.”† And “that the church-wardens, for the time being, shall not, at any time, dispose of any of the pews or places in the said church, to any person not an inhabitant thereof, nor without the consent and allowance of the vestrymen for the time being, or any eleven or more of them.”‡ And “that the rector of the said *parish*, for the time being, shall and may, by and with the consent of the said vestrymen and church-wardens, for the time being, or any eleven or more of them, whereof one of the church-wardens to be one, from time to time, nominate one able protestant minister, in priest’s orders, to reside in the said *parish*, to be preacher and assistant to the said rector and his successors in the celebration of the divine service of praying and preaching, and other duties incident to be performed in the said *church* or *parish*, as the Rector shall require of him; and likewise to nominate a fit person to be clerk of the said *parish*, and one more sexton or sextons.”§

From these passages of the charter it is obvious that the charter contemplates the city of *New York* as composing *one parish*, and *Trinity Church* as the *parish church*, to be governed by *one rector* and *one set of church-wardens and vestrymen*, and as the *church* in which the *parishioners* are to assemble and worship.

For many years, after the charter was granted, Trinity Church, from the small population of the city,

[* Vide Charter, lines 499—503.]

[† “ Idem, lines 259—263.]

[‡ “ Idem, “ 313—319.]

[§ “ Idem, “ 320—334.]

was large enough to contain all the Episcopalians of the city; and, of course, no other Episcopal church was erected; but, as the numbers of the city increased, it was found necessary to provide other buildings for public worship; and hence St. George's and St. Paul's chapels were erected some time before the Revolution.

Chapels by the practice of the English Church, are of two kinds; the one adjoins the mother church, and is part of it; the other, where the parish is large, is separate from the mother church, and is commonly called a chapel of ease; because it is built for the ease of the parishioners living at a distance from the church. But the chapel of ease, though separate from the mother church, is likewise considered as part of it.

The Church-Wardens and Vestrymen of Trinity Church, following the example of their English ancestors, founded St. George's and St. Paul's Churches, as chapels of Trinity Church. The natural effect of this system was, that these three churches formed one church—their several congregations were knit into one body—and the communicants, in each congregation, went, on Easter Tuesday, to the poll of Trinity Church, and voted for the same Church-Wardens and Vestrymen; and these by their office, took all the churches under their common government.

As the charter incorporates those who are in communion with the Church of England, communicants alone, before the Revolution, were admitted to the privilege of voting for charter officers; and the records of Trinity Church furnish no instance of a contrary practice.

Such, before the Revolution, was the condition of Trinity Church; in which there certainly was nothing repugnant to the prominent ideas pervading the whole charter—that the *city* should constitute *one entire parish*—that *Trinity Church* should be the *sole parish church*—and that *one Rector* should have charge of the *parish*.

After the Revolution a different order of things arose; partly from the principles which grew out of that memorable epoch; but chiefly from the quick growth in the population of the city.

Many friends of the Revolution believed that the right of voting, for Church-Wardens and Vestrymen of Trinity Church, by being confined wholly to the communicants, stood on a basis too narrow. The influence of this belief determined a considerable number of Episcopalians, in 1784, to apply to the Legislature for an extension of the right of voting, so as to vest it, in common with the communicants, in the pew and seat-holders who should regularly pay to the support of the church. The Legislature readily granted the extension; and, for a long time afterwards, the pew and seat-holders, together with the communicants in Trinity Church, and its chapels, were received as voters at the elections for Church-Wardens and Vestrymen. The *city*, in reality, during such period, continued, as before the Revolution, to be *one parish*, and and *Trinity Church* the *sole parish church*.

At length, however, it came to pass that the Episcopalians, by the increased population of the city, were too numerous to be accommodated with pews and seats in Trinity Church and its chapels. In this situation a respectable portion of Episcopalians had recourse to the act, entitled, "An Act to provide for the Incorporation of Religious Societies," for relief; and, in the year 1793, they incorporated themselves, under that act, by the name of "Christ's Church." The precedent, thus set by the corporators of Christ's Church, led other portions of Episcopalians, at different times, to adopt the same measure; and thus no less than nine Episcopal churches have lately been incorporated on New York island; in which number is included St. George's Church, which, until its incorporation, was one of the chapels of Trinity Church.

All these churches have been consecrated in the customary form, and regularly admitted into union

with the Episcopal Church in the State, by being received as distinct and independent members of the State Convention; and, accordingly, each of them has been privileged to vote, separately from Trinity Church, on every question agitated in the Convention.

The members of the new corporations elect their own Church-Wardens and Vestrymen; and they neither hold pews or seats in Trinity Church; nor do they commune in that church, or contribute to its support. The Vestries of the new corporations appoint their own Rectors, Clerks, and Sextons; and they manage all the spiritual and temporal concerns of their churches as they please; paying no regard whatever to the Vestry of Trinity Church.

The members of Trinity Church hold no pews or seats in any of the churches built by the new corporations; nor do they commune in those churches, or contribute to their support.* The Vestry of Trinity Church has never claimed a right to interfere with the elections of the new corporations, or with the appointment of their Rectors, Clerks, or Sextons, or with any other of their affairs, whether spiritual or temporal; nor have the members of Trinity Church ever asserted a right to vote at the elections of the new corporations.

As a consequence of the new incorporations, the congregation of Trinity Church may now be said to consist of those only who attend worship in that church and its chapels, St. Paul's Church and St. John's Church; the latter having been recently built as a chapel by Trinity Church.

The new corporations, without any exception, have received liberal donations of real and personal estates from the corporation of Trinity Church; and there appears to subsist between the new churches and Trinity

* A few of the members of Trinity Church, who reside out of town in the summer season, have pews in St. Michael's and St. James's Churches, for the convenience of attending public worship during the summer. These two churches are some miles distant from the centre of the city.

Church, the same cordiality that subsists between an affectionate mother and her equally affectionate children.

It is true, that no member of either of the new corporations ever claimed, or pretended to claim, a right to vote for the Church-Wardens and Vestrymen of Trinity Church prior to the election held for those officers in March, 1812. At that election several persons, known to be members of new corporations, offered themselves as voters; but they were rejected, because neither of them was a pew or seat-holder, or communicant, in Trinity Church, or either of its chapels: and one of these persons, after the bill had passed the Senate, instituted a suit, for the ostensible purpose of trying his claim; and the same person again offered to vote at the election held in April last.

Although it was public in the city, for weeks before the application was made, that the Vestry of Trinity Church was about applying to the Legislature, among other things, for an interpretation of the charter relative to the right of voting; yet the new corporations, condemning the claim to vote set up by some of their members, declined taking any step in opposition to the bill. And so odious was the claim to three of the corporations, that they spontaneously offered to join with the Vestry in soliciting a legislative act to extinguish it.

One solitary memorial, however, was presented against the bill, and this was from Thomas Farmer, as "Chairman," and Benjamin Ferris, as "Secretary," of the committee appointed by a meeting of Episcopalians, at Mechanic-Hall, called to denounce the Vestry, and the Ecclesiastical Court, for their proceedings in the case of the Rev. Cave Jones. This meeting was held more than a twelvemonth before the Vestry applied to the Legislature, and when their application was not even meditated.

The memorial complains, in general terms, of the usurpations of the Vestry, and prays that they may not be sanctioned. What usurpations are here alluded to the subscriber is at a loss to conceive. The Vestry has

done nothing more than to confine the right of voting to the pew, and seat-holders, and communicants, in Trinity Church and its chapels; and to hold and possess the property which it held and possessed long before the Revolution, and to which it derives title from charters and grants of the colonial government, confirmed by the Legislature of the State. And as to the use which the Vestry has made of its property, it will be seen, on examining the state of it, that it has been greatly diminished by donations to Columbia College, to a free-school which has been incorporated, to a society formed for the promotion of religion and learning, and to many churches and religious societies, not only in the city, but in various other parts of the State.

The bill, in its passage through the Houses, met with little opposition, except from its presumed interference with the elective franchise; and, in the House of Assembly, it was referred to the Attorney-General to report “whether, in his opinion, its passage would, in any wise, defeat or vary any existing vested rights under the charter, or any acts altering it.” The Attorney-General reported that he “had examined the charter, and the acts altering it, with the bill referred to him; and he was of opinion that its passage would not defeat or vary any existing rights under the acts or charter.”

As the claim to vote has a tendency to create uneasiness in the minds of the members of Trinity Church in particular, and to excite dissensions among Episcopalians in general, *one* of the *objects* of the bill is to obtain such an interpretation of the charter as will effectually extinguish the claim.

The name of the corporation, since the new corporations have been instituted, has become inapplicable; as Trinity Church does not now unite, in its body, all the inhabitants of the city who profess to belong to the Episcopal Church; and a *second object* of the bill is to have the name of the corporation altered.

Some Lawyers, of eminence, entertain doubts

whether the grants of real estate made by the corporation of Trinity Church to the new corporations are legal ; which doubts are said to spring out of the ancient rule of English law, declaring, “that no corporation “can make another corporation either by usage or “prescription, or by any other means than by the authority of the King’s charter empowering them to do “so by express words ;”^{*} and a *third object* of the bill is to remove these doubts, and to render the grants valid.

St. George’s Church, being a chapel of Trinity Church, was recently set off as a separate church, and has been incorporated, and endowed by agreement between the congregation of that church and the Vestry of Trinity Church ; and the same Lawyers, for the like reason, doubting the regularity of the transaction, a *fourth object* of the bill is to have the transaction confirmed.

Judging from the past, it is morally certain that the future increase of the population of the city will strongly recommend to the corporation of Trinity Church the policy of dividing its corporators, and setting them off, in separate churches, with suitable endowments ; and, to enable the Vestry to do this, in a mode free from all legal doubts, and with the assent of a majority of the corporators to be set off, is a *fifth object* of the bill.

By the †ninth section of the act for incorporating religious societies, it is demanded of every religious society already incorporated, or to be incorporated, in the cities of New York, Albany, and Schenectady, to exhibit, once in every three years, an account and inventory of all its estate, both real and personal, on pain, if there be default, of ceasing to exist as a body corporate. The account and inventory so demanded have often been exhibited by the Corporation of Trinity

^{*} 1 Kyd on Corporations, 47.

[† The tenth section of the law as revised and re-enacted in 1813. 2 R. L. 217 ; R. S. vol. 3, p. 297, §10.]

Church ; but the provision has become a dead letter when, at the same time, a compliance with it is attended with considerable trouble and expense. And, in one or more instances, probably occasioned by forgetfulness in the party, the Legislature, to avoid all questions touching the dissolution of the corporation, has extended the time for making the exhibition. To exempt the religious societies in the cities of New-York, Albany, and Schenectady from the effect of a provision, as partial as it is useless, a *sixth object* of the bill is to procure a declaration, that where a religious society has once exhibited an account and inventory, it shall not be requisite again to exhibit the same, unless the society, after the exhibition, shall have acquired other real estate.

The objections against the bill, as reported in the Council, are,

1. " Because if the members of the several incorporated societies, in communion of the Protestant Episcopal Church in this State, formed in the city of New-York after the passing the act, entitled, ' An act for making such alterations in the charter of the corporation of Trinity Church, as to render it more conformable to the constitution of this State,' have a right to vote, at the annual elections for the church-wardens and vestrymen of Trinity Church, though not having been members of the congregation of Trinity Church within one year preceding any such election, or any of the chapels belonging to the same, and forming part of the same religious corporations, and holding, occupying, or enjoying a pew in the said Trinity Church, or any of the chapels thereof, or not having partaken of the holy communion therein within such year, in consequence of the rights and privileges vested in them by the laws of this State, and the incorporation of Trinity Church ; the limitation of the right of election, provided by the bill, may divest

“or impair such right. And, if any doubts exist
 “respecting such right of suffrage, it is consistent
 “with the salutary principles of the constitution
 “of this State, to refer them to judicial cognizance,
 “as the appropriate and legitimate resort of ad-
 “verse claimants in controverted cases of that
 “description. This principle has been heretofore
 “recognized by the council in an analogous case,
 “and which received the sanction of the honor-
 “able the Assembly by an almost unanimous vote,
 “as will appear by a reference to their journals of
 “the 7th February, 1810.”*

2. “Because the charter, being a private grant, and,
 “it not appearing by recitals or otherwise, what
 “are the existing doubts respecting the rights and
 “privileges thereby given, the Council are depri-
 “ved of the means of judging whether any vested
 “corporate rights are not violated by the restric-
 “tions and provisions contained in this bill.”
3. “Because the saving, contained in the proviso to
 “the last section of the bill, ‘of the right of any
 “person or persons, or of any body corporate, to
 “the estate, real or personal, now held, occupied,
 “or enjoyed by the corporation of Trinity Church,’
 “is nugatory, inasmuch as all such rights, so far as
 “they respect the corporators, depend principally
 “upon, and are inseparably connected with the
 “right and privilege of being a member of the cor-
 “poration, and voting for church-wardens and
 “vestrymen, who have the management and
 “disposition of the temporalities belonging to the
 “corporation.”

These objections shall be examined with care and impartiality.

Whoever reads the act for incorporating religious societies, and reflects upon its provisions, and the free-

* See objection of the Council of Revision, which received the sanction of the Assembly, page 69, post.

dom of our civil and religious institutions, must be persuaded that the Legislature intended that every Episcopal society, incorporated under the act, should enjoy a separate and independent existence, and be wholly governed, in its spiritual and temporal concerns, by officers of its own choice. The act provides that “the
 “persons qualified to vote at elections for church offi-
 “cers, shall be male persons of full age, who shall have
 “belonged to the Church or congregation, for the last
 “twelve months preceding the election, and who shall
 “have been baptized in the Episcopal Church, or shall
 “have been received therein, either by the rite of con-
 “firmation, or by receiving the holy communion, or by
 “purchasing or hiring a pew or seat in the said Church,
 “or by some other joint act of the parties and of the
 “Rector—that the voters, on a certain day in every
 “year, shall, by a majority of voices, elect two church-
 “wardens and eight vestrymen—and that the church-
 “wardens and vestrymen, so elected, shall have
 “power to call and induct a Rector, as often as a va-
 “cancy happens therein, and to take into their pos-
 “session, and management, all the temporalities belong-
 “ing to such Church or congregation.”*

Keeping in view the wise intention of the Legislature, the act, thus carefully, confines the right of voting for church officers to the persons who shall have belonged to the church, or congregation, for the last twelve months preceding the election. It did not require the gift of prophecy to foretell, that if the members of distinct corporations were to possess the right of voting in common, so that the members of each corporation would be entitled to vote for the officers of all, it would open a door to mischiefs, dangerous to the peace of religious societies, and hurtful to the growth of genuine religion. Two congregations, for example, might combine to oppress a third, and, by superior numbers, on the day of election, might force their own

[* R. S. vol. iii. p. 292.]

creatures into office; and creatures, thus brought into public life, might appoint or continue a rector, against the decided opinions and wishes of the minority; a rector too, whose preaching the majority, being members of other congregations, might seldom or never attend to hear. The same creatures might also manage the temporal affairs of the congregation in a way, believed by the minority, to be destructive of their interests.

Could folly or wickedness contrive a scheme of spiritual intolerance, more wounding to the sensibility of a religious people, and more reprobated by the generous principles of our State constitution? Let the sincere professors of religion, and the patriotic framers of the constitution, answer the question.

Taking this to be the true construction of the act for incorporating religious societies, it may be laid down as a position, not to be controverted, *that the members of every new corporation are limited in the exercise of their elective franchise, to the choice of their own church-wardens and vestrymen; and that they cannot rightfully intermeddle with the elections of other new corporations.*

As the words *church* and *congregation* are used in the act, as synonymous terms, it seems to be a position, equally incontrovertible, *that the members of the congregation of Trinity Church are not entitled to vote at the elections of the new corporations; for the simple reason that such members do not pretend to belong to the congregations of these corporations; unless it be maintained that the act does not apply to the Episcopalians in the city of New-York; a proposition that would go the length of dissolving every new corporation in the city.*

The next inquiry is—whether the members of the congregations of the new corporations have a right to vote at the elections of the corporation of Trinity Church?

The foundation for the claim of this right is the single

circumstance, that the charter incorporates “all persons inhabiting, or to inhabit, the city of New-York, and in communion with the Protestant Church of England.”

These general words of the charter, when the real meaning of the grantor is extracted from them, will be discovered to afford but a slight pretext for the claim.

The charter, like every other grant, must be interpreted with reference to the actual state of things at the time it bears date. Looking from this ground, we shall see that the State, at the date of the charter, was a province of Great Britain, and consequently subject to its laws. The Protestant Episcopal Church was the established Church of the mother country; and the crown, in its beneficence to the Episcopalians in the city of New-York, naturally sought to place Trinity Church on a footing as similar to that of the Church of England as local circumstances would permit. The population of the city, at the same period, was so inconsiderable, that the whole number of Episcopalians on the Island was not sufficient to fill the building already erected for public worship.

On the other hand, the great Revolution, which accomplished the independence of our country—the rapid increase of the population of the city—and the new Episcopal corporations, which have sprung from the loins of these fruitful parents, being out of the reach of human foresight, could not be provided for by the liberal founder of Trinity Church.

Thus viewing the state of things, at the date of the charter, and revolving the deplorable weakness of man, whenever he attempts to form plans to meet the exigencies of posterity, it should not be treated as strange, that the founder of Trinity Church thought it proper to make the *island of New-York but one parish*, and *Trinity Church the only parish church*.

That the subject appeared to the founder, in this light, is proved as well by the scope as the words of the charter.

By a parish is meant, agreeably to the ecclesiastical polity of England, *the charge of a particular rector or priest*; and yet it is impracticable to mark out the limits of the charge with exactness. The bounds of parishes in England have never been defined by act of parliament, but have "been established as the circumstances of times, places, or persons happened to make them greater or lesser."*

Generally speaking, a parish, in England, may be defined, *that certain compass of ground in the neighborhood of a church, which is occupied by the people worshipping in that church*: and with this definition, the practice of the Episcopal Church, in this State, has invariably corresponded.

From this doctrine of parishes it may fairly be inferred that a parish is attached to every new corporation, whose church, after being consecrated, has been admitted into union with the Episcopal Church in the State; as there is no corporation without a minister to whose special charge its congregation is committed.

It will not be disputed that the benefits of the charter were designed for the parishioners of the parish of Trinity Church; and it is conceded, that the original limits of the parish were co-extensive with the island; but to insist that such are the present limits of the parish, when we know that nine different parishes have been carved out of them, is just as preposterous as to insist that the district of country which, before the Revolution, composed the county of Tryon, still remains one county, when our statute book informs us it has been divided into many counties.

The conclusion of law is, *that the extent of the original parish of Trinity Church is reduced in proportion to the mass of parishes attached to the new corporations.*

Have any of the parishioners reason to be dissatis-

* Burns's Ecclesiastical Law, 133. Jacob's Law Dictionary, by Tomlin, title *Parish*.

fied with the reduction of the parish of Trinity Church ? None can be imagined. The formation of the new corporations was the voluntary act of the parishioners who formed them ; and the present parishioners of Trinity Church are bound by the act of their Vestry, who assisted in forming some of the corporations, and gave their assent to the existence of others after they were formed.

With confidence then it may be asserted, that the Episcopalians inhabiting the city of New-York, are not all of them *parishioners* of the *parish of Trinity Church*. Such of them as are members of the new corporations, have become *parishioners* of the *parishes* attached to them ; the legal effect of which is *virtually to dissolve their connection with the parish of Trinity Church*.

It is no less demonstrable, *that the Episcopalians, who are accustomed to take the sacrament in the new churches, are not the communicants intended by the charter*.

By the discipline of the English Church no person can, at the same time, be a regular communicant in two separate parishes, under the care of different and independent rectors. The canons of the church particularly direct that “the sacrament shall not be administered by the rector of one parish to the parishioners of another, without the licence of the rector of the latter parish ; except to travellers, to persons in danger of death, or in cases of necessity.”*

The rector is authorized, under certain circumstances, to refuse the sacrament even to his parishioners ; and, to be regular, the parishioners should communicate at least thrice in every year.†

The only legal evidence that the parishioner is a communicant, is his receiving the sacrament in the parish church ; and the rector cannot take notice of the receipt of the communion in other parishes.

* 1 Burn's Ecclesiastical Law, 677.

† Ibid, 682.

Prior to the Revolution, if a person, residing in Dutchess county, had removed to the city of New York, he would not have been recognized, within the purview of the charter, as a communicant qualified to vote, without taking the sacrament in Trinity Church or one of its chapels; notwithstanding, he might previously have received the sacrament in the Episcopal church at Poughkeepsie, and thus have been in communion with the English Church. Still less would the taking of the sacrament from the hands of a priest, not officiating in Trinity Church, or either of its chapels, but acting independently of the rector of Trinity Church, and within the limits of his parish, have conferred this privilege. Such conduct would have been deemed an offence against ecclesiastical discipline, both in the priest administering, and in the parishioner receiving the sacrament; and it is an undeniable position in law, that no right can be derived from the commission of a wrong.

Upon these principles it was constantly maintained, before the Revolution, that no persons, but inhabitants of the city, and who communed in Trinity Church, or one of its chapels, were entitled to vote under the charter.

The third section of the act entitled, “An act for making such alterations in the charter of the corporation of Trinity Church, as to make it more conformable to the constitution of the State,” passed 17th April, 1784, embraces the same principles with respect to communicants, by restraining the privilege of voting to such inhabitants of the city, “as shall, *in the said church*, partake of the holy sacrament of the Lord’s supper at least once in every year.”

Some contend that this section, by using the words “*the said church*,” refers to the *spiritual body* of the Church, and not to the *building of Trinity Church*; and hence they argue that *communicants* in *any other Episcopal Church*, are qualified to vote.

It will much assist our search after the true import

of the words, "*the said church*," if we take the entire section, with its preamble, into consideration, and proceed, at once, to ascertain the objects for which it seeks to provide.

Bearing in mind the title of the act just quoted, it is worthy of notice, that, after declaring the manner of inducting the rector, as prescribed by the charter, to be inconsistent with the letter and spirit of the constitution, the act substitutes a different mode of induction, by vesting the church-wardens and vestrymen of the corporation with "full power to induct a *rector to the said church*, as often as there shall be a vacancy."

Here the term *church* leaves no room for inference. By not referring it to *Trinity Church* we torture it into a sense that will defeat the very exercise of the power to induct a rector. Then comes the following section, with its preamble, which defines the qualifications of the persons who were thereafter to be considered as members of the corporation.

"And whereas doubts have arisen on those parts of the said charter and law* first above mentioned, which speak of inhabitants in communion of the said Church of England; for removal whereof

"Be it further enacted by the authority aforesaid, that all persons professing themselves members of the Episcopal Church, who shall either hold, occupy, or enjoy a pew or seat in *the said church*, and shall regularly pay to the support of the said church, and such others as shall in *the said church* partake of the holy communion of the Lord's supper, at least once in every year, being inhabitants of the city and county of New York, shall be entitled to all the rights, privileges, benefits, and emoluments which, in and by the said charter and law first above men-

* See law [of 1704] in vol. i. page 60, of Van Schaack's edition of the Colony Laws, which enacts the charter almost in *totidem verbis*.

“tioned, are designed to be secured to the inhabitants
“of the city of New York, in communion of the
“Church of England.”

Philologers derive the word *church* from the Greek word *κυριακον*, signifying *the Lord's house*; that is, a building dedicated to the service of God. This is certainly the common acceptation of the word; but it is nevertheless sometimes employed to denote the *church general*, being the collective body of Christians throughout the world; at other times the *church particular*, being a body of Christians holding *special tenets*, or adhering to a *precise form of worship*; and, at other times, no more than a *single congregation*.

It is asked then whether the word *church*, in the section cited, means *a building dedicated to divine service*? or whether, applying the question more directly to the case in hand, we are to understand by the word, *the building of Trinity Church*?

A satisfactory answer to this question will call to our recollection that, in expounding a statute, we are to presume—that the legislator used words in their most usual signification—that he had the subject matter constantly in mind—that all his expressions were directed to a reasonable end—that his train of thought was uniform—and that he intended to infuse, into every part of the statute, the same spirit.

By the help of these rules the doubts relative to the meaning of the word *church* will be easily removed.

In the first clause of the section before us, the legislator declares that those inhabitants of the city shall be members of the corporation of Trinity Church, “who shall hold, occupy, or enjoy a pew or seat in *the said church*.”

These words cannot possibly be satisfied otherwise than by interpreting the word *church*, according to its common acceptation, to mean a *building dedicated to the service of God*. By applying the word to the *church general*, or to the *church particular*,

such, for instance, as the *Episcopal Church* in the State, we shall be puzzled to find a pew or seat, without the exertion of supernatural powers in favor of the attempt—Miracles, we are told, have ceased.

Now, if a *building, dedicated to the service of God*, was intended, that building, in all rational construction, must have been *Trinity Church*.

The legislator speaks, in the act at large, of many of the inhabitants of the city as members of the corporation of Trinity Church—of the induction of a rector—and of the necessity of altering the charter, so as to make it conformable to the constitution of the State. Indeed, the whole subject, which engages his mind, appears to be *that corporation and its charter*. It would, therefore, be a very unnatural exposition of the section to apply the word *church* to *any building* except *one* belonging to the *corporation of Trinity Church*; and the more so as Trinity Church and its chapels were the only Episcopal buildings in the city at the time. Besides, it will be difficult, without grossly insulting the good sense of the legislator, to suppose that he required the inhabitants of the city to hold pews or seats in country churches; or that he expected the members of the *church general*, or of the *church particular*, in other words, the *Episcopal Church in the State*, by contributing to the support of either of those churches, would acquire any rights in the corporation of Trinity Church.

In the second clause of the section the legislator farther declares, that “such others” shall also “be members of the corporation as shall, *in the said church*, partake of the holy sacrament of the Lord’s supper, at least once in every year, being inhabitants of the city of New York.”

As this clause expressly enjoins it upon the communicants, to take the sacrament *in the said church*, we must, out of decency, admit, that a building in which the sacrament might be administered, was in the legislator’s eye; or else we must attribute to him

a want of due reverence for that most holy ordinance.

It cannot reasonably be doubted that the *building* here also meant by the legislator was *Trinity Church*.

In fixing the qualifications of corporators, the legislator judged it expedient to give them pews and seats in *Trinity Church*; and this church is the last antecedent to that in which the communicants are to partake of the sacrament. Why, therefore, should we imagine that the legislator, in one clause, meant to make the holding of a pew or seat in Trinity Church an indispensable qualification of membership, and that, in the clause next succeeding, it was his intention to allow the communicants of different churches to be members? Would not this singular change of mind justly expose the legislator to the charge of fickleness? And to this charge might there not as truly be added, the serious imputation of wilfully violating the settled discipline and ancient practice of the church; by obliging the vestry of Trinity Church to acknowledge, as their communicants, men who regularly took the sacrament in churches entirely free from their control?

It follows, as a necessary consequence, that the true meaning of the section, under consideration, requires the *inhabitants of the city to communicate, or to hold pews or seats, in Trinity Church, in order to qualify them to be members of its corporation.*

If, in fact, the section stood alone, and doubts arose as to its true meaning, they would instantly be dispelled by construing the section in connection with the title and other parts of the act. The express purposes of the act are to *relieve and benefit Trinity Church*; and wherever the word *church* occurs, without designation or epithet, it will be found that *Trinity Church* alone is contemplated by the legislator.

Admitting the premises to be true, and the reasoning from them to be just, we shall be authorized to conclude *that the members of the new corporations*

have no vested rights in the corporation of Trinity Church; and, of course, that the right of election cannot, as the first objection of the Council supposes, be “divested or impaired by the limitation provided by “the bill.”

Because,

1. The members of the new corporations are not parishioners of the parish of Trinity Church.
2. They are not communicants in that church.
3. They do not hold pews or seats in that church, or contribute to its support.

That a great majority of the members of the new corporations believe their alleged right to vote, at the elections of Trinity Church, to rest on a sandy foundation, is plain from the stubborn and important fact that, although Christ's Church was incorporated in the year 1793, yet not a single member of either of the new corporations offered to assert his right until the election of 1812; a long period of nineteen years.* And it is more than probable that, even then, the right would not have been asserted, but from an expectation that it might serve the cause of Mr. Jones.

For the sake of argument, however, let it be granted that the erection of the new corporations, with the joint assent of the corporators, and the Vestry of Trinity Church, has not the legal consequence of *virtually dissolving* the connection of the parishioners of the new churches with the corporation of Trinity Church.

This concession being made, we may properly ask—What is the real situation of the Episcopal churches in the city of New-York? If the *island* still remains *one parish*, and the numerous Episcopalians inhabiting it, continue *one body corporate* by force of the general terms of the charter, must not *Trinity Church* be the *parish church*, and the *new churches its cha-*

[* Since the year 1812, the offer to assert such right has never occurred but once, and that was after the lapse of more than thirty years. See Remonstrance of Corporation of Trinity Church, presented in the Senate, January, 20th, 1846.]

pels? If the new churches are chapels of Trinity Church, must they not be subject to the authority of its vestry? And, if subject to its authority, what becomes of the several rectors, church-wardens, and vestrymen of the new corporations? Does not the existence of these rectors, church-wardens, and vestrymen operate a direct violation of the charter of Trinity Church, which provides only for *one rector* and *one set of church-wardens and vestrymen*?

If, on the contrary, the new churches are not chapels of Trinity Church, what are the specific rights of the new corporations, each of which is a part of the flesh and blood of the corporation of Trinity Church? And what, at the same time, are the specific rights of the mother corporation? Or is there a perfect community of rights between all these corporations? And, by reason of this community, are the congregations of the new corporations, from their greater numbers, to rule the corporation of Trinity Church, by electing, out of their own members, the church-wardens and vestrymen of Trinity Church?—men perhaps averse to its views and interests, and who may perversely appoint or continue obnoxious ministers, and injuriously manage or sell its estate? And, for such gracious rule, are the members of the corporation of Trinity Church to possess the right of voting at the elections of the new corporations, and to hold an interest in their property? What then is the operation of the clause of the act, for incorporating religious societies, which confines the right of suffrage to persons, in each congregation, who shall have belonged to it for the last twelve months preceding an election? And what the operation of the grants of real estate already made to the new churches by the corporation of Trinity Church?

Endowed, as the subscriber is, with no more than a plain understanding, he frankly confesses himself incapable of answering these questions; and he presumes to say, that the profoundest casuist would be

perplexed to answer them with plausibility. The truth is, that they present a shapeless mass of incongruous pretensions, which, if suffered to exist, must engender disputes injurious to the peace of the Episcopal Church, and dishonorable to religion. And surely all the disciples of Christ, in every relation of life, are bound, by his example and precepts, to be earnest in their endeavors to prevent divisions, and establish peace among their Christian brethren. These interesting objects would be happily gained to the Episcopal Church by the wise provisions of the second section of the bill. The real office of this section, when maturely considered, will be found, not to "divest or "impair" the right of voting, but to limit, by express words, a right previously limited, and in the same degree, by the sound construction of law, upon the act for incorporating religious societies, and the creation of new corporations under it, with the joint consent of the corporators and Trinity Church.

It is common for legislative bodies, in novel and special cases, which have eluded the penetration of former legislators, to pass acts, in the nature of declaratory acts, to pluck up discord and litigation by the roots, that general quiet may be promoted. Such acts resemble bills of peace in chancery; examples of which must be familiar to a tribunal so enlightened as the Council.

By showing that the members of the new corporations are not also members of the corporation of Trinity Church, we have put at rest all questions respecting their supposed right to the corporate property.

Members of every corporation have an interest in its estate, while they continue members, and no longer. A right to the corporate property is strictly local in its enjoyment. Whenever a corporator removes and settles permanently, without the precincts of the corporation, his franchise "ipso facto" ceases. Thus, if an inhabitant of the city of New-York quits the city, and takes up his residence in the county of Westchester, he relin-

quishes his rights as a member of the city corporation, and he cannot resume them in any other way than by returning, and again fixing his residence in the city.

These principles, being indisputable, prove the futility of the claim, which the members of the new corporations make to the estate of the corporation of Trinity Church. By voluntarily leaving the parish of Trinity Church—by entering into other parishes—by neglecting to hold pews or seats in Trinity Church, and not contributing to its support—and by never communing in that Church, the members of the new corporations have divested themselves of their corporate characters, and put an extinguisher upon their rights, in the corporation of Trinity Church. To revive these rights, they must comply with the requisitions of the charter and act of 1784; and without such compliance they can have no valid claim to any part of the corporate estate.

The legal estate of every corporate body is vested, not in the individual corporators, but in the corporation itself. There can be no doubt, however, that the estate is a trust for the benefit of the corporators.

By the policy of law corporate bodies are forbidden to be seized to a use; but the same policy permits them to be vested with a trust. Hence, if the members of the new corporations actually have an interest in the estate of the corporation of Trinity Church, they can only be interested as *cestui que* trusts.*

Private persons, acting as trustees, are compellable by a court of equity, in cases of neglect, refusal, or fraud, to execute their trusts according to the nature of them: and it matters not, in that court, whether the trustees, instead of private persons, are officers of a corporation. In every event the Chancellor, upon application for the purpose, will decree a trust to be executed under his direction.

Allowing, therefore, the members of the new corporations to be *cestui que* trusts of the estate of the

* 2 Bacon 11. Sanders on Uses, 227. 1 Vesey, 467, 536.

corporation of Trinity Church, the proviso, in the last section of the bill, completely protects their interest; and it can be no farther “nugatory” than any other creation of a trust, in which the *cestui que* trust has had no share in the choice of the trustee appointed to dispose of the trust estate; instances of which occur in every day’s practice.

Upon the idea that the bill, if passed into a law, would, in substance, be a declaratory act, the subscriber is sanguine in his hopes, that it will receive the approbation of the Council. But thinking, as he does, of the solidity of the ground on which the bill has been brought forward, he would be censurable for despairing of the Council’s approbation, *even if the right of suffrage was clearly with the members of the new corporations.*

The case, in the Journals of the Assembly, to which the Council refers, as unfolding principles analogous to those of the bill, is that of *private property*, and not of the *elective franchise of a corporation.*

As this distinction is decisive of the favorable reception, which the bill merits from the Council, the subscriber, in a few words, will endeavor to explain the principle, and state the facts on which the distinction is taken.

The principle assumed is this—that although the Legislature has ever been inflexible in its resolution to preserve the inviolability of private property, yet it has, from time to time, exercised its discretion in moulding the elective franchise of corporations into new shapes, the better to adapt it to the changes occasioned by the freedom of our government and the progress of society; the one being considered as a subject too sacred to be touched; and the other as a subject fit to be carefully handled.

This principle is fairly deducible from the following Legislative cases.

1. The charter of the city of New-York declares that the bounds of the city shall “cross over to Nas-

“sau Island to low water mark, there including Great-
 “Barn Island, Little-Barn Island, and Manning’s Is-
 “land, and from thence all along Nassau Island shore,
 “at low water mark, unto the south side of Red-Hook.”
 And it grants to the corporation “the sole, full, and
 “whole power and authority of settling, appointing,
 “establishing, ordering, and directing, such and so
 “many ferries round Manhattan’s Island, (alias New-
 “York Island) for the carrying and transporting of
 “people, horses, cattle, goods, and chattels, from the
 “said Island of Manhattan’s to Nassau Island, and
 “from thence back to Manhattan’s, and also from the
 “said Island Manhattan’s to any of the opposite shores,
 “all round the same island, in such and so many pla-
 “ces as the Common Council, or the major part of
 “them, shall think fit; with full power to let, set, or
 “otherwise dispose of all or any such ferries to any
 “person or persons whomsoever.” And it farther
 grants “the rents, issues, profits, ferriages, fees, and
 “other advantages arising and accruing from all or
 “every such ferries,” unto the Corporation for ever.

Here we find an absolute grant to the Corporation,
 of an *exclusive right* to transport goods and mer-
 chandize from New-York Island, to low-water mark
 on Long-Island, and also from thence to New-York
 Island. This right the Corporation had possessed,
 without any interruption, for more than a century.
 And the palpable aim of the bill entitled, “An act
 “granting relief in certain cases to the inhabitants of
 “the city of New-York, and to the inhabitants of the
 “town of Brooklyn, in King’s county,” was to disturb
 the corporation in the possession of the right, and, in
 the end, to defeat it.

Can imagination conceive a more flagrant invasion
 of the right of private property? If the “salutary prin-
 “ciples of the constitution” ever required the submis-
 sion of a case to judicial cognizance, most assuredly it
 was this case. All good men, therefore, must applaud

the Council for assisting to strangle, in its birth, this "lusus naturæ" of legislation.*

2. The right to choose charter officers, in the city of New-York, is conferred, by the charter, *exclusively* upon "the freemen and freeholders, being inhabitants "of the city." An act was passed in 1804, not upon the application of the corporation, but against its pointed remonstrance, by which the right was extended to "every male citizen of this State, or of any of the "United States, of the age of twenty-one years and "upwards, who shall have resided in the said city for "the space of six months preceding an election, and "shall, during that time, have rented a tenement of the "yearly value of twenty-five dollars, and have paid any "taxes within the said city, and is not disqualified by "law."

While this act, with one hand, extended the right of voting to a new class of citizens, it broke, in pieces, with the other, the contract with the original corporators; by indirectly taking from their right its exclusive quality, and thereby dissipating the consideration and influence, accompanying it; all which was done against the positive stipulations of the charter.

The original corporators were then placed in a situation like that, in which Decius would be placed, by an act of the Legislature, which, declining directly to forfeit the moiety of his farm, should nevertheless prescribe that Lucius should hold it with him, in common, and in equal shares.

3. The act of 1784, before considered in part, professes, in several of its recitals, no other ends than "such alterations in the charter of the corporation of "Trinity Church, as to render it more conformable to "the constitution of the State." We have seen, however, that the alterations, instead of stopping at this point, go far beyond it, and, in effect, annihilate the *exclusive* right vested in the communicants to vote for

* See objection of the Council, in page 69.

charter officers, by dividing it with those who shall hold pews, or seats, in Trinity Church, and contribute to its support. The preamble to the particular section making this fundamental change, affects to doubt the meaning "of those parts of the charter and law "which speak of inhabitants in communion of the "Church of England;" and the doubts affected are the ostensible reasons for new modelling the qualifications of the voters. Whereas the preamble was obviously used, as preambles too often are, to cover the design. The language of the charter and law* is no less intelligible, than its meaning is clear, and the mind, that could doubt whether communicants alone are entitled to vote, must have been incurably diseased with skepticism. Be it likewise noticed, that the Legislature was not urged, either by the *letter* or *spirit* of the *constitution*, to *refuse to the communicants the continuance of their exclusive right of suffrage*.

4. In the year 1752 a charter was granted to Alexander Colden and Richard Albertson, making them, and their successors, a body corporate, by the name of "the Trustees of the Parish of Newburgh." The real intent of this charter was to incorporate the inhabitants of a tract of land, called the *German Patent*, in the present county of Orange, and comprising two thousand acres and upwards, for the purpose of settling on the tract "a good and sufficient minister of "the Church of England, as by law established, to take "care of the souls of the inhabitants; and also of providing "a good and sufficient school-master to teach "and instruct their children." And, the better to fulfil the intent of the charter, a grant of five hundred acres of land was made to the trustees and their successors, as a glebe, for the use of the minister and school-master. Upon the death, disability, or absence of the trustees, or either of them, or their successors, the charter authorizes "*all the inhabitants of the*

* See the note in page 21.

“tract, being males, and above lawful age, to assemble at any time, or times, upon some part of the glebe, and, by a majority of votes, to elect other trustees, or trustee, in the room of the trustees, or trustee, deceased, disabled, or absent.”*

It happened that years elapsed without the services of a settled minister on the tract, according to the intent of the charter ; and the result was, that differences arose between the Episcopalians and Presbyterians concerning the use of the glebe. These differences stirred a question about the right of voting for trustees ; the Episcopalians asserting that no persons, but of their sect, were entitled to vote ; and the Presbyterians advocating a right, in common with males of every other religious denomination, if inhabitants of the tract, and not under lawful age.

The colour which these Episcopalians had for their *exclusive right*, and that which the members of the new corporations have for their *right in common*, when viewed with a microscopic eye, will be found to be nearly equal.

At one of the elections for trustees two Presbyterians were chosen ; and they, with about one third of the inhabitants and freeholders of the tract, preferred a petition to the Legislature, praying amendments to the charter.

The application succeeded ; and thereupon an act was passed, in 1803, entitled, “An act to alter and amend the charter of the glebe land, in the German Patent, in the village of Newburgh.” By this act, whose declared motive is “to meet the interest and convenience” of the inhabitants, the right of voting was expressly given to all “the inhabitants residing in the patent who shall have a right to vote at the annual town meetings.”

The only qualifications which the common law annexes to a man, in order to render him an inhabitant,

* 3 Johnson, 115.

are those of being a householder and a resident in the place. It is not requisite that he should reside in the place for a certain length of time—that he should have an interest in the soil—or that he should pay taxes.*

The inhabitants whose character comports with this description, are the voters intended by the charter; and the law pronounces their right to have been openly violated, when the Legislature, in substance, though not in words, directed that the voters should be no others than those “male citizens above the age of “twenty-one years, who shall have resided in the town “six months next preceeding the election, and paid “taxes within the same—or shall be possessed of a “freehold—or shall have rented a tenement of the “yearly value of five dollars for the term of one year within the same.”

By this radical alteration of the charter, the right of suffrage, instead of being extended, was contracted within much narrower limits.†

That the cases cited to establish and illustrate the principle assumed, as the guide of the Legislature, have a heavy bearing on the bill reviewed, must strike the most superficial observer.

The bill cautiously abstains from touching the right of property; and to guard against the possibility of any violation, the right, if existing at all in the members of the new corporations, is amply protected by the proviso added to the last section.

In the same spirit of caution the bill avoids every attempt to new-model the elective franchise. Without increasing or diminishing the qualifications of

* Jacob's Law Dictionary by Tomlin, letters *I. N. H.*

† The Act entitled “An Act to increase the number of Wards in the City of New-York, and to equalize the same,” passed 8th March, 1803, is another instance of the exercise of the discretion of the Legislature in new modelling the elective franchise. This Act was passed without any petition from the Corporation for the purpose, and it increases the number of wards in the city and the quorum of the Common Council, against the express stipulations of the charter.

voters, it is content to effectuate the real intentions of the charter and act of 1784, by *substantially declaring that the members of the Congregation of Trinity Church shall be the only persons entitled to vote at elections for the choice of its charter officers.*

Supposing the bill had undertaken to new model the elective franchise, it would, from the cases cited to that point, have been fully justified by the practice of the Legislature. These cases appear to have originated in events, very extraordinary in their cast, and impossible to be foreseen by the grantors of the charters. When, therefore, we acknowledge that the discovery of nearer events transcended the natural powers of our ancestors, we should not feel surprised at their want of ability to descry events at a greater distance. Alas! alas! far from indulging surprise at what our inflated pride would call the deficient sagacity of our ancestors, we ought to give way to the noble affections of our nature, and by imitating the piety and patriotism of our venerable progenitors, we should strive to pay the debt of gratitude, justly due to their memories, for leaving us the invaluable inheritance of civil and religious freedom!

The almost unexampled increase of the population of the city of New-York—the act for incorporating religious societies—and the consequent forming of new corporations from the rib of Trinity Church—are also events too extraordinary to have been foreseen. These events have created an unexpected and portentous crisis in the affairs of Trinity Church! A crisis which Lawyers, of skill and adroitness, may render subservient to a series of litigation that would tarnish the honour of the Church—distract her peace—and endanger her property! With deep solicitude to avert these mischiefs, and suffering from the wounds which her unhappy children have recently inflicted in her bosom, Trinity Church presents herself before the Council, and, in the eloquent language of distress, she

entreats the members to favour her bill with the most dispassionate and mature deliberation.

Will it be said that Trinity Church has no claims on the patronage of government? Can she not glory in having produced, in our revolutionary struggle, some of the illustrious defenders of our civil and religious liberties? Is she not connected with a very ancient, numerous, and respectable congregation? Has she not freely dispensed her wealth in building churches, supporting the clergy, and advancing literature in different parts of the State?

These questions swell the breast of the subscriber with a lofty pride; but delicacy restrains him from answering them, lest he should be thought to suspect the liberality of the Council.

As the charter appoints Tuesday, in Easter week, for holding the annual elections for church-wardens and vestrymen, without any authority to adjourn over, the common law imposes it on the inspectors to close the poll on the same day. By force of this injunction the want of opportunity would deprive many Episcopalians of their votes, provided all the members of the new corporations were admitted to the right of suffrage; and the strenuous efforts of the contending parties, to obtain the votes of their adherents, would be apt to beget scenes of confusion and tumult, scandalous to the Christian name, and threatening to public order.*

Besides settling the important question, relative to the elective franchise, and thereby preventing litigation, and establishing peace on a firm foundation, the bill, when passed into a law, would have the happy consequence of enabling the Vestry of Trinity Church from time to time, as society shall advance, to separate the churches with the consent of their congrega-

[* If such scenes were dreaded in 1813, what is to be apprehended in 1846, when instead of 12 there are 38 congregations?]

tions, and to endow them with competent estates. No power can be more congenial than this to the spirit of our republican systems. The frequent execution of the power likewise, by breaking down the estate of Trinity Church, would allay the fears of those honest republicans who look upon large estates as nurseries of sentiments hostile to liberty : and it would calm the minds of those enthusiastic devotees who believe that religious societies, when possessing wealth, seldom employ enough of it in the heavenly work of propagating the gospel.

The estate of Trinity Church is admitted to be considerable, although greatly reduced by the causes which have been stated. Certain wild calculations have rated it at millions ; but this is a gross exaggeration ! For several years past the income of the Church has fallen far short of its annual expenditures.

The bill, if a law, would also be attended with the benign effects of sanctioning the agreements of separation which the Vestry of Trinity Church has made with its own members, and of ratifying the conveyances of real estate executed by the Vestry to the new churches. Confirmations, so beneficial, could not well be opposed : and accordingly none of the parties in interest offered to remonstrate against them. Should our courts adjudge the conveyances to be ineffectual, the property will revert to the corporation of Trinity Church, where it was antecedently vested.

It is presumed that the charter of the corporation of Trinity Church, and its petition to the Legislature, both of which are hereto annexed,* together with the information interwoven with these remarks, will apprise the Council of “ the existing doubts respecting “ the rights and privileges given by the charter ;” and will, moreover, furnish them with the means of judging whether any “ vested corporate rights are violated

[* As the petition is incorporated in the Remonstrance lately presented to the Legislature and printed with it, it has not been included in the present reprint.]

“by the restrictions and provisions contained in the bill.”

The subscriber cannot conclude these remarks without solemnly declaring, that no personal considerations have been permitted to mingle themselves with his zealous exertions to procure the passage of the bill through the two Houses of the Legislature, and with this very humble attempt to recommend it to the approbation of the Council. Appealing to his heart, he feels conscious of having been governed by a sincere opinion that the bill is predicated on principles perfectly correct; and that its final passage is demanded by all the motives which should influence the lover of religion—the friend of justice—and the discreet legislator.

And to this solemn declaration the subscriber begs leave to add, that he is—A Churchman. Born and educated in the bosom of the Episcopal Church—venerating her principles—and admiring her forms—he is not ashamed to avow his anxiety to preserve her peace, and to enlarge the sphere of her usefulness.

New York, 6th Sept. 1813. **ROB. TROUP.**

[*Addendum to Note on Page 25.*—A debt is, by the wise policy of laws, outlawed and irrecoverable, unless it has been acknowledged by the debtor within six years before suit is commenced. Twenty years possession with claim of rightful ownership of land, (which the law has always considered the most sacred of all property,) is a bar to all recovery by another, let his claim be otherwise ever so just and equitable. Now suppose that D, instead of *indirectly* claiming a right to a part of the property, or to have a voice in the application or disposition of it, through the right of suffrage, made the *direct* demand of a specific share of that property, alleging that his right to it had been unconstitutionally interfered with, and that the assertion of such right was embarrassed by the law of 1814; would not the facts that such demand was thirty-two years ago declared by an act of the legislature to be illegal—that any such right had been continually denied ever since—that D has never pretended during all that time even to assert any such right, much less to prosecute his claim—and that nobody else, making the like claim, had done so for thirty years—or, in short, that the act of *settlement* and PEACE of 1814 had been universally acquiesced in for upwards of thirty years—be a conclusive answer negating any such demand however and *where-soever* it might be urged at the present time ?]

CHARTER

OF THE

CORPORATION OF TRINITY CHURCH.

*GULIELMUS, Tertius, Dei Gratia Angliæ Scotiæ
Franciæ et Hiberniæ, Rex fidei Defensor, &c.*

To all to whom these Presents shall come, sendeth
greeting :

WHEREAS by an act of Assembly, made in the 5
fifth year of our reign, entitled, "An Act for set-
tling a Ministry, and raising a Maintenance for
them in the City of New-York, County of Rich-
mond, Westchester, and Queen's County;"
among other things therein contained it is enacted, 10
that there shall be called, inducted, and es-
tablished, a good sufficient Protestant Minister,
to officiate and have the care of souls within our
said city of New-York; and for his better encour-
agement to attend the said service, it is thereby 15
further enacted, that there shall be annually, and
once in every year, assessed, levied, collected, and
paid for the yearly maintenance of the said min-
ister, within our city and county of New-York,
the sum of one hundred pounds, current money 20
of our province of New-York; to be assessed,
levied, collected, and paid in such manner and
proportion as is further directed in the body of
the aforesaid act, relation being thereunto had
may more fully and at large appear. And where- 25
as at the same time when the aforesaid act was
made, there was not erected any public church or
building within our said city, whereunto such a
good sufficient Protestant Minister might have
been inducted for his orderly officiating of his 30
duty in the public worship and service of God,
according to the rites and ceremonies of our
Protestant Church of England established by our

laws. And whereas our trusty and well-beloved
 35 *Benjamin Ffletcher*, our captain-general and
 governor in chief of our said province of New-
 York, and territories depending thereon in
 America, hath, by his liberal and bountiful dona-
 40 tions, as well as by his pious example, influenced
 many of our loving subjects, who have likewise
 religiously contributed according to their respec-
 tive abilities, several sums of money, which, by
 our said captain-general's direction, have been
 45 employed and laid out for the erecting and build-
 ing a church and laying the foundation of a stee-
 ple, within our said city, that the public worship
 and service of God, in manner aforesaid, might
 be more orderly and reverently performed by the
 aforesaid minister. And whereas our loving sub-
 50 jects Col. Caleb Heathcote, one of our council of
 our said province; Major William Merret, mayor
 of our said city of New-York; John Tuder, James
 Emott, William Morris, Robert Lurting, Thomas
 Clarke, Ebenezer Willson, Samuel Burt, James
 55 Evetts, Nathaniel Marston, Michael Hawden,
 Thomas Wenham, John Crooke, and William
 Sharpas, citizens and inhabitants of our said city
 of New-York, and the present managers of the
 affairs of our said Church of England within our
 60 said city of New-York, have, by their petition
 presented unto our said trusty and well-beloved
 Benjamin Ffletcher, our said captain-general and
 governor in chief of our said province of New-
 York, and territories depending thereon in Amer-
 65 ica, prayed our royal grant and confirmation
 of a certain church and steeple that hath been
 lately built within our said city of New-York; to-
 gether with a certain piece or parcel of ground
 thereunto adjoining, situate, lying, and being in or
 70 near to a street without the north gate of our said
 city, commonly called and known by the name of
 the Broadway; containing in breadth on the east

end, as the said street of the **Broadway** rangeth
 northward, three hundred and ten feet, until you
 come unto the land lately in the tenure and occu-
 pation of **Thomas Lloyd**, deceased; and from 75
 thence towards the west, in length by the said
 land, until you come unto **Hudson's River**: and
 then southward along the said **River** three
 hundred and ninety-five feet, all of English meas-
 ure; and from thence by the line of our garden 80
 eastward, unto the place of the said street in the
Broadway where first begun. And that the said
 church, together with the cemetery or church-yard
 thereunto adjoining, may forever hereafter be ded-
 icated and consecrated to the public worship and 85
 service of **God**, according to the rites and cere-
 monies of the **Protestant Church of England**, as
 now established by our laws; which said church
 and steeple, situate, lying, and being within our
 said city as aforesaid, having been built and erect- 90
 ed at the charge of our said trusty and well be-
 loved **Benjamin Ffletcher**, our said captain-gener-
 al and governor as aforesaid, and of several other
 of our loving subjects, inhabitants within our said
 city and province. And whereas our said loving 95
 subjects, in their said humble petition, have like-
 wise prayed that we would be graciously pleased,
 for the better accommodation and conveniency
 of the inhabitants of our said city of **New-York**,
 that the same church might be made parochial 100
 and incorporate into one body politic in fact and
 name, by the name of "**The Rector and Inhabit-**
ants in Communion of the Protestant Church
of England, as now established by our **Laws**;"
 and that, as such, they and their successors may 105
 have, hold, use, occupy, and enjoy all the rights,
 benefits, advantages, privileges, immunities, mor-
 tuaries, and appurtenances, as are usually held and
 enjoyed by all or any of our parochial churches,
 of our **Church of England**, within our realm of 110

England. And also, that we would be further graciously pleased to appropriate unto our said church, the aforesaid yearly maintenance of one hundred pounds, enacted by the aforesaid act, and
 115 make our further royal grant of a certain quantity of our land, near adjoining to the said church, unto the said petitioners, in trust for the use of our said church and corporation. *Now know ye*, that in consideration of the great charge that our said
 120 trusty and well beloved subject Benjamin Ffletcher, our captain-general as aforesaid, and the rest of our aforesaid loving subjects, inhabitants within our said city. &c. have been at in the erecting of the said church, and laying the foundation of
 125 a steeple; and the further great charge that must unavoidably accrue for the finishing the said church and steeple, and the providing it with suitable ornaments; as also for the erecting and providing a house, near the said church, for the habitation of a minister to officiate in the said church,
 130 in manner aforesaid, as well as of our pious inclinations to promote, propagate, and encourage all our loving subjects within our said province, in that reverend and godly duty in worshipping and
 135 serving God according to the commendable rites and ceremonies of our Protestant Church of England, as now established by our laws, have therefore thought fit, and do hereby publish, grant, ordain, manifest, and declare, that our royal will
 140 and pleasure is, and by these presents do grant and declare, that the aforesaid church, erected and built as aforesaid, situate in and near the street called the Broadway, within our said city of New-York, and the ground thereunto adjoining, enclosed
 145 and used for a cemetery or church-yard, shall be the parish church, and church-yard of the parish of Trinity Church, within our said city of New-York; and the same is hereby declared to be forever separated and dedicated to the service of

God, and to be applied thereunto for the use and 150
 behalf of the inhabitants from time to time inhab-
 iting, and to inhabit within our said city of New-
 York, in communion with our said Protestant
 Church of England, as now established by our
 laws ; and to no other use or purpose whatsoever, 155
 any statute, law, custom, or usage to the contrary
 in any ways notwithstanding. And that there
 shall be a rector, to have care of the souls of the
 inhabitants of the said parish, and a perpetual suc-
 cession of rectors there. And we do by these 160
 presents constitute our right trusty and well-be-
 loved the Right Reverend Father in God, Henry,
 Lord Bishop of London, and of our privy coun-
 cil, the first rector thereof. And we have further
 thought fit, and at the humble request of our said 165
 loving subjects, are graciously pleased to create
 and make him, our said right trusty and well-be-
 loved Right Reverend Father in God, Henry,
 Lord Bishop of London, and his successors, rec-
 tors of the said parish, together with all the inhab- 170
 itants from time to time inhabiting, and to inhab-
 it in our said city of New-York, and in com-
 munion of our aforesaid Protestant Church
 of England, as now established by our laws,
 a body corporate and politic, with the powers 175
 and privileges hereinafter mentioned : And ac-
 cordingly our royal will and pleasure is, and of
 our special grace. certain knowledge, and mere
 motion, WE HAVE ordained, constituted, and
 declared, and by these presents, for us, our heirs and 180
 successors, do ordain, constitute, and declare, that
 he the said right trusty and well-beloved Right
 Reverend Father in God, Henry, Lord Bishop
 of London, and his successors, and all such of our
 loving subjects as now are, or hereafter shall be 185
 admitted into the communion of the aforesaid
 Protestant Church of England, as now established
 by our laws, shall be from time to time, and for

ever hereafter, a body corporate and politic, in
 190 fact and name, by the name of "The Rector and
 "Inhabitants of our said City of New York, in
 "Communion of our Protestant Church of Eng-
 "land, as now established by our Laws;" and that
 by the same name, they and their successors shall
 195 and may have perpetual succession, and shall and
 may be persons able and capable in the law to
 sue and be sued, to plead and be impleaded, to
 answer and be answered unto, to defend and be
 defended, in all and singular suits, causes, quar-
 200 rels, matters, actions, and things of what kind or
 nature soever; and also to have, take, possess,
 receive, acquire, and purchase lands, tenements,
 hereditaments, or any goods or chattels; and the
 same to use, lease, grant, demise, alien, bargain,
 205 sell, and dispose of at their own will and pleasure,
 as other our liege people, or any corporation, or
 body politic within our realm of England, or this
 our province, may lawfully do, not exceeding the
 yearly value of five thousand pounds; the statute
 210 of Mortmain, or any other statute, law, custom,
 or usage to the contrary hereof in any ways not-
 withstanding. And that the said rector shall have
 the care of the souls of the inhabitants within the
 said parish, and in the communion of our said
 215 Protestant Church of England, as now establish-
 ed by our laws; and have and enjoy to him and
 his successors for ever, one messuage or tenement,
 and appurtenances, intended to be erected on
 part of the said church-yard, or near thereunto as
 220 conveniently as can be procured. And our royal
 will and pleasure is further, that the patronage,
 advowson, donation, or presentation of and to the
 said rectory and parish, after the decease of the
 said first rector, or the next avoidance thereof,
 225 shall appertain and belong to, and be hereby vest-
 ed in the church-wardens and vestrymen, or the
 major part of the said vestrymen, together with

either of the church-wardens of Trinity Church
 for the time being; and that all the succeeding
 rectors of the said parish and parish church (ex- 230
 cept the first rector thereof hereby constituted)
 shall be presented, collated, instituted, and induc-
 ted as other rectors, parsons, and vicars respect-
 ively are accustomed to be. And we further de-
 clare it to be our royal will and pleasure, that the 235
 first rector, and all the succeeding rectors thereof,
 shall and may have, take, and enjoy, such and the
 like oblations, mortuaries, Easter-books, or offer-
 ings, and other ecclesiastical duties arising within
 the said parish of Trinity Church, as the vicar, 240
 rector, or parson of St. Mary Bow, within our
 city of London, in our realm of England, now
 enjoyeth; and shall have such and the like profits
 of burials in the said church as the same shall be
 limited in the instrument of dedication thereof. 245
 And we further declare, that the said rector of
 the parish of Trinity Church, in communion of
 our Protestant Church of England, within our
 city of New-York, as now established by our laws,
 shall and may, for ever hereafter, have a common 250
 seal, to serve and use for all matters, causes, things,
 and affairs whatsoever, of them and their succes-
 sors; and the same seal to alter, change, break,
 and make new from time to time, at their will and
 pleasure, as they shall think fit. And further we 255
 will and ordain, and by these presents do declare
 and appoint, that for the better ordering and man-
 aging of the affairs and business of the said cor-
 poration, there shall be annually, and once in ev-
 ery year for ever, on the Tuesday in Easter week, 260
 two church-wardens and twenty vestrymen, duly
 elected by the majority of votes of the inhabitants
 of the said parish, in communion as aforesaid;
 which church-wardens and vestrymen shall be,
 from time to time, subject to our laws and statutes 265
 now in force, or hereafter to be made, for the

choice of church-wardens, overseers of the poor, and such other like parish officers, and other parochial duties within the said parish, in like manner

270 as the inhabitants of any parish within our province are or might be subject and liable unto (except where it shall be otherwise hereby appointed.) And we do by these presents constitute and appoint Thomas Wenham and Robert Lurt-

275 ing the first church-wardens of the said parish; and Caleb Heathcote, William Merret, John Tudor, James Emott, William Morris, Thomas Clarke, Ebenezer Willson, Samuel Burt, James Evetts, Nathaniel Marston, Michael

280 Hawden, John Crooke, William Sharpas, Lawrence Reade, David Jamison, William Huddleston, Gabriell Ludlow, Thomas Burroughs, John Merrett, and William Janeway, the first Vestrymen of the said parish; to have, hold, and execute their said respective offices till the feast of

285 Easter, which shall be in the year of our Lord one thousand six hundred and ninety-eight. And the said church-wardens shall have and receive such and the like church duties and perquisites as

290 the church-wardens of the said parish of St. Mary Bow do, may, might, or ought to receive; and shall be accountable for the same, and all other monies as shall come to them as church-wardens, in such manner as church-wardens of any other

295 parishes within our city of London are or ought to be. And we further declare it to be our royal will and pleasure, that the rector, church-wardens, and vestrymen, shall make the number of the whole to be twenty-three persons; and the said

300 vestrymen, or any eleven or more of them (whereof the rector for the time being, or his assistant, or clerk by appointment, and one of the church-wardens, to be two) shall and may have and exercise the like power and authority for the ordering

305 and regulating the affairs of the said corporation

and parish of Trinity Church, as the vestry of the said parish of St. Mary Bow now have and exercise, in reference to parish affairs; and upon the death or other voidance of any such vestrymen, they, or any eleven or more of them, shall, and may 310 elect a fit person, inhabitant and householder in the said parish, to supply the same. And we further ordain and declare, that the church-wardens for the time being, shall not, at any time, dispose of any of the pews, or places in pews in the said 315 church, to any person not an inhabitant thereof, nor without the consent and allowance of the vestrymen for the time being, or any eleven or more of them. And our further will and pleasure is, and we by these presents declare, that the rector 320 of the said parish for the time being, shall and may, by and with the consent of the said vestrymen and church-wardens for the time being, or any eleven or more of them, whereof one of the church-wardens to be one, from time to time, nominate one able Protestant minister, in priests' orders, to reside in the said parish, to be preacher 325 and assistant to the said rector and his successors, in the celebration of the divine offices of praying and preaching, and other duties incident to be performed in the said church and parish, as the said rector shall require of him; and likewise to nominate a fit person to be clerk of the said parish, and one or more sexton or sextons; to which 330 clerk or sextons, respectively, there shall be such and the like dues, fees, perquisites, and profits, paid and allowed, as shall be established by the said rector, church-wardens, and vestrymen, in manner aforesaid; which said preacher assistant, clerk, and sexton or sextons, and every of them, 340 shall continue in his said place during his or their natural lives, if they shall so long inhabit there; except on some offence or misgovernment by them, or any of them, committed, and unless for

345 cause reasonable proved, they shall be displaced
 by the said rector for the time being, by and with
 the consent of the said vestrymen, or any eleven or
 more of them. And that the church-wardens of
 the said parish of Trinity Church for the time be-
 350 ing, shall, and are hereby required, from time to
 time, to pay the yearly sum of ten pounds to the
 clerk, to be appointed as aforesaid, out of the pro-
 fits and other the duties and perquisites to them
 accruing in the said church and parish, by four
 355 quarterly payments; that is to say, on the feast
 of St. Michael, the archangel, the Birth of our
 Lord and Saviour Jesus Christ, the Annunciation
 of the blessed Virgin Mary, and St. John the
 Baptist; or ten days after every of the said re-
 360 spective feasts, by equal and even portions. And
 we further ordain and declare, that the said
 church-wardens and vestrymen, or any eleven or
 more of them, are, by these presents, authorized
 and required, within the space and time of three
 365 hundred days next and after the sealing and en-
 rolling of these presents, to make, or cause to be
 made, an estimate in writing, under the hand or
 hands of some sufficient person or persons quali-
 fied for the same, of the charge and finishing the
 370 said church and steeple, and providing a clock
 and one or more bells for the same, and other
 works necessary and requisite in and about the
 said church and steeple; and of building a con-
 venient house for the said rector. And such sum
 375 or sums of money as shall appear to them, upon
 such estimate, to be in their judgment competent
 to accomplish the premises, and to satisfy and pay
 the debts incurred for or by reason of the said
 church, shall be by them, or any eleven or more of
 380 them, charged upon all and every of the inhabit-
 ants in the said parish; to be by them paid in seven
 years, by twenty-eight quarterly and successive
 payments: the first whereof to commence and be-

come payable to the church-wardens for the time
 being, who are hereby authorized to receive the 385
 same at the first of the feast days aforesaid as shall
 happen after the assessing and taxing thereof; and
 the rest to be successively to them also quarterly
 paid, at the successive feast days aforesaid, until
 all the said twenty-eight quarterly payments shall 390
 be made and finished. And the said church-war-
 dens and vestrymen, or any eleven or more of them,
 are hereby required and authorized, within three
 hundred and sixty-five days next and after the seal-
 ing and enrolling of these presents, to assess, tax, 395
 and rate the first of the said quarterly payments
 after a pound rate or otherwise, as they shall think
 most reasonable, equal, and meet; and in like
 manner to assess every other of the said quarterly
 payments within forty days after the time of pay- 400
 ment of the next preceding quarterly payment: all
 which said assessments shall be confirmed and
 allowed by two justices of the peace within the
 said parish, and in communion of the said church
 as aforesaid, under their hands and seals: and be 405
 collected by such persons, inhabitants of the said
 parish, as by the said vestrymen, or any eleven or
 more of them, shall, from time to time, under their
 hands and seals, appoint. And we further declare,
 that if the estimate and computation, to be made 410
 as aforesaid, shall not be sufficient to discharge the
 debts incurred about the building and finishing of
 the said church and steeple, and other the works
 hereby intended to be done, the said vestrymen, or
 any eleven or more of them, shall and may charge 415
 and assess such additional sum and sums upon the
 inhabitants of the said parish, in communion as
 aforesaid, as shall be needful to perfect and accom-
 plish the same; so as such additional sum, togeth-
 er with the sum hereby charged and payable by 420
 the said twenty-eight quarterly payments, exceed
 not in the whole the sum of five hundred pounds.

And we further declare it to be our royal will and pleasure, that the church-wardens of the said parish of Trinity Church, shall cause all the debts, credits, and contracts, made and to be made, with or by the artificers and workmen employed, or to be employed for any work or building to be made or done in or about the said church, steeple, and premises, to be entered and registered in one or more book or books to be kept for that purpose; and the said vestrymen, or any eleven or more of them, out of the money collected and paid to the said church-wardens, upon the said quarterly payments, or by any other ways and means, for the use aforesaid, shall, in the first place, pay and discharge, or cause to be paid and discharged, all such debts as shall become due unto the artificers and workmen employed, or to be employed in and about the finishing the said church, steeple, house, and premises, and shall issue and pay, or cause to be issued and paid to the said artificers and workmen, as aforesaid, all and every sum and sums of money, now or hereafter due and payable unto them, their executors, administrators or assigns, proportionably according to the dates of the registering of their debts and credits as aforesaid, with moderate interest, if need shall be for their forbearance thereof. And we further declare, that the church-wardens for the said parish for the time being, together with any eleven or more of the said vestrymen, shall, upon the Tuesday in Easter week, yearly, for ever, or at any time within ten days after the said Tuesday, tax, rate, and assess the yearly sum of thirty pounds, upon the inhabitants of the said parish in communion as aforesaid, for the payment of the preacher assistant, to be nominated and appointed as aforesaid, and for the paying and defraying the other contingent charges that may yearly accrue within the said parish: which said assessment shall be confirmed and al-

lowed in such manner as other the assessments
 hereby appointed to be made as aforesaid, and be
 collected and paid yearly to the church-wardens
 for the time being, by such person and persons as 465
 the said church-wardens and vestrymen shall ap-
 point, at the four usual or times of the year before
 mentioned: the first payment to begin and be
 made at that feast day next and after the said
 preacher assistant shall be presented and enter to 470
 assist the said rector in the said church, in man-
 ner aforesaid. And the said church-wardens, or
 either of them, shall pay the said yearly sum of
 thirty pounds, over and above all charges and de-
 ductions for collecting the same, to the said 475
 preacher assistant for the time being, to be nomi-
 nated as aforesaid, upon the said four usual feasts
 or terms in the year, by even and equal portions.
 And we further ordain and declare it to be our
 royal will and pleasure, that the said church-war- 480
 dens, together with eleven or more of the vestry-
 men of the said parish, shall, and are hereby
 authorized, from time to time, to make rates and
 assessments in manner aforesaid, for the repairing
 and amending the said church, steeple, cemetry 485
 or church-yard of the said parish, when need
 shall be; the said rates, taxes, and assessments
 for repairing and amending the church and
 premises, to be paid to the said church-wardens
 of the said parish, and those, and all other 490
 the said last mentioned taxes, rates, and assess-
 ments, to be made and collected, confirmed and
 allowed, as aforesaid. And moreover, of our spe-
 cial grace, certain knowledge, and meer motion,
 we do give, grant, ratify, and confirm, unto 495
 the said rector and inhabitants of our said city of
 New-York, in communion of our Protestant
 Church of England, as now established by our
 laws, that the said church and cemetry or church-
 yard, situate, lying, and being within our said 500

city of New-York as aforesaid, shall be the sole and only parish church and church-yard of our said city of New-York. And our royal pleasure is, and we by these presents do declare that the

505 said rector of the said parish church is a good sufficient Protestant minister, according to the true intent and meaning of the said act of Assembly, made in the aforesaid fifth year of our reign, entitled, "An Act for the settling of a Ministry,

510 &c.," and as such we do further of our like special grace, certain knowledge, and mere motion, give, grant, ratifye, endow, appropriate, and confirm unto the said rector of the parish of Trinity Church, within our said city of New-York, and his suc-

515 cessors forever, the aforesaid yearly maintenance of one hundred pounds, directed by the said act of Assembly to be yearly laid, assessed, and paid unto the said sufficient Protestant minister, for his yearly maintenance. *To have and to hold* the

520 said yearly maintenance of one hundred pounds aforesaid, unto him the said rector of the parish of Trinity Church within our said city of New-York, and his successors to the sole and only proper use, benefit and behoof of him the said

525 rector of the parish of Trinity Church within our said city of New-York, and his successors forever. And we do, by these presents, strictly charge, require and command the church-wardens and vestrymen yearly constituted, elected, and appointed

530 by the aforesaid act of Assembly, made as aforesaid, that they faithfully, truly, and without fraud, annually, and once in every year, forever, levy, assess, and collect the said yearly maintenance of one hundred pounds, current money a-

535 foresaid, according to the rules, directions, and clauses in the said act of Assembly mentioned, and under the pains and penalties therein contained. And that the said church-wardens mentioned in the aforesaid act of Assembly do an-

nually, in four quarterly payments, pay the said 540
 yearly maintenance of one hundred pounds, lev-
 ied, assessed, and collected as aforesaid, unto the
 said rector of the parish of Trinity Church, and
 to his successors, forever, as of right they ought
 to do, without any delay, let, hindrance, refusal, 545
 disturbance, or molestation whatsoever, as they
 and every of them will answer the contrary un-
 der the pains and penalties in the said act of As-
 sembly ordained. And we further declare, that
 upon any neglect or refusal of the said church- 550
 wardens and vestrymen appointed by the said
 act, of their levying, assessing, collecting, and
 paying the said yearly maintenance of one hun-
 dred pounds as aforesaid, that it shall and may be 555
 lawful for the said rector or incumbent of the said
 parish for the time being, to prosecute the said
 church-wardens and vestrymen, in an action of
 debt, in any of the courts of record within our 560
 said province, wherein no essoin, protection, or
 wager of law shall be allowed, any thing con-
 tained in the said act to the contrary hereof in
 any ways notwithstanding. And we do of our
 like special grace, certain knowledge, and mere 565
 motion, give and grant unto the said rector and
 inhabitants of our city of New-York, in commu-
 nion, &c. full power and authority, from time
 to time, to appoint, alter, and change such days
 and times of meeting as they shall think fit, and 570
 to choose, nominate, and appoint so many others
 of our liege people as they shall think fit, and
 shall be willing to accept the same, to be mem-
 bers of the said church and corporation and body
 politic, and them into the same to admit; and to 575
 elect and constitute such other officer or officers
 as they shall think fit and requisite for the order-
 ly managing and despatching of the affairs of the
 said church and corporation, and their successors;
 and from time to time to make, ordain, and con- 580

stitute, or repeal such rules, orders, and ordinances, for the good and welfare of the members of the said church and corporation, so that those rules, orders, and ordinances be not repugnant to
 585 the laws of our realm of England, and of this our province. And we further declare, and by these presents do give, grant, license, and permit unto the said rector and inhabitants, &c. that the said church-wardens and vestrymen, or any other appointed by
 590 them, may, from time to time, and at all times hereafter, upon the Lord's day, after divine service, or at any other time or times when they shall think it convenient, take and receive the free and voluntary gifts, alms, contributions, and offerings of all
 595 or any of our loving subjects; which collections, gatherings, or receivings, shall be employed by them for and towards the finishing of the said church, steeple, and premises, or any other pious and charitable work, as to them shall seem meet and convenient,
 600 any statute or law to the contrary hereof in any ways notwithstanding. *To have and to hold* all and every of the premises, together with all and singular the rights, customs, usages, benefits, members, advantages, advowsons, presentations, mortuaries, oblations, offerings, fees, perquisites, profits, royalties, hereditaments, and appurtenances
 605 whatsoever, unto the said church, church-yard, and premises belonging, or in any ways appertaining unto them the said rector and inhabitants of our said city of New-York, in communion of
 610 the Protestant Church of England, as now established by our laws, and their successors, to the sole and only use, benefit, and behoof of them, the said rector, inhabitants, &c., and their successors
 615 forever, to be holden of us, our heirs and successors, in free and common soccage, as of our manor of East Greenwich, in our county of Kent, within our realm of England; yielding, rendering, and paying therefor, yearly and every year, unto us,

our heirs and successors, on the feast day of the 620
 Annunciation of our blessed Virgin Mary, at our
 city of New-York, the yearly rent of one pepper-
 corn; if the same be lawfully demanded, in lieu
 and stead of all other rents, dues, duties, and de-
 mands whatsoever for the premises. And last- 625
 ly, we do for us, our heirs and successors, ordain
 and grant unto the said rector, inhabitants, &c.,
 and their successors, by these presents, that these
 our grants shall be firm, good, effectual, and avail-
 able in all things in the law, to all intents, con- 630
 structions, and purposes whatsoever, according to
 our true intent and meaning herein before de-
 clared, and shall be construed, reputed, and ad-
 judged in all cases most favourable, and on the
 behalf, and for the best benefit and behoof of the 635
 said rector and inhabitants, &c. and their succes-
 sors, although express mention of the true and
 yearly value in certainty of the premises, or any
 of them, in these presents, are not named; or any
 statute, act, ordinance, provision, proclamation, 640
 or restriction heretofore had, made, enacted, or-
 dained, provided, proclaimed, and restrained, or
 any other matter, clause, or thing whatsoever to
 the contrary hereof in any ways notwithstand-
 ing. And we further declare it to be our royal 645
 will and pleasure, that nothing herein contained,
 nor any clause or article herein above mentioned,
 shall be construed or taken to abridge or take
 away any right, privilege, benefit, liberty, or li-
 cense that we have heretofore granted unto any 650
 church in communion of our Protestant faith with-
 in our said province of New-York, anything con-
 tained herein to the contrary hereof in any ways
 notwithstanding. *In testimony whereof*, we have
 caused the great seal of our said province to be 655
 hereunto affixed. Witness our trusty and well-
 beloved Benjamin Fletcher, our captain-general,
 and governor in chief of our province of New-

York, and the territories and tracts of land de-
 660 pending thereon in America, and vice-admiral of
 the same, our lieutenant and commander in chief
 of the militia, and of all the forces by sea and land
 within our colony of Connecticut, and of all the
 forts and places of strength within the same, in
 665 Council, at our fort in New-York, the sixth day
 of May, in the ninth year of our reign, annoq-
 Dmi., 1697.

BEN. FLETCHER.

By his Excellency's command,

DAVID JAMISON, Sec'ry.

AN ACT.

*For making such Alterations in the Charter of the Corporation
 of Trinity Church, as to render it more conformable to the
 Constitution of the State.*

Passed 17th April, 1784.

WHEREAS by letters patent under the great seal of the
 then colony, and now State of New-York, bearing
 Preamble. date the sixth day of May, in the year of our Lord
 one thousand six hundred and ninety-seven, many of the
 inhabitants of the city of New-York, members
 Style of the old of the Church of England, were erected into a
 charter, dated May 6, 1697. corporation, by the name and style of the Rector
 and Inhabitants of the City of New-York, of the Protestant
 Church of England, as by Law established.

And whereas, on the twenty-seventh day of June, in the
 year of our Lord one thousand seven hundred
 Preamble. and four, the Legislature of the then colony, and
 now state aforesaid, did pass a law, entitled, "An Act for
 Privileges grant- "granting sundry Privileges and Powers to the
 ed June 27, 1704. "Rector and inhabitants of the City of New-
 "York, in Communion of the Church of England, as by law
 "established."

And whereas those parts of the said charter which render necessary the induction of a rector to the said church by the governor, according to such instructions as he shall from time to time receive from his Britannic majesty, and such other parts of the said charter and law as admit and acknowledge that rights exist in the bishop of London, in and over the said church, are inconsistent with the spirit and letter of the constitution of this state.

Preamble.

Reciting parts of the charter inconsistent with the constitution.

And whereas certain other parts of the said charter and law, and of a certain other law passed the twenty-second day of September, in the year of our Lord one thousand six hundred and ninety-three, by the Legislature of the then colony aforesaid, entitled, "An Act for settling a Ministry, and raising a Maintainance for them in the City of New York, and County of Richmond, Westchester, and Queen's County," are contradictory to that equality of religious rights which is designed to be established by the constitution of this state :

Preamble.

Reciting other parts of the charter and laws against the religious equality designed by the constitution.

I. *Be it therefore enacted by the people of the state of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* that so much of the charter to the said body corporate above particularly mentioned, and so much of the said law first above particularly mentioned, as relate to the induction of the rector by the governor, to the powers or authority of the bishop of London, in and over the said corporation, and to the collecting and levying a sum of money upon the city of New-York, for the use of the rector or incumbent in the said law mentioned, be, and they are hereby repealed and annulled ; and that nothing in this law, nor no nonuser or misuser, between the nineteenth day of April, one thousand seven hundred and seventy-five, and the passing of this law, shall be in any wise construed to annul, injure, repeal, or make void the said charter, or the said law first above particularly mentioned, where the same are not inconsistent with the constitution of this state.

Part of the old charter, and law relating to the church repealed

Charter rights preserved, notwithstanding non-user or misuser.

II. *And be it further enacted, and it is hereby enacted by the authority aforesaid,* that the church-wardens and vestrymen of the said corporation, or a majority of them, be vested with full powers to call

Churchwardens and vestrymen to call and induct a rector.

and induct a rector to the said church, so often as there shall be any vacancy therein.

And whereas doubts have arisen on those parts of the said charter and law first above mentioned, which speak of inhabitants in communion of the said church of England; for removal whereof;

III. Be it further enacted by the authority aforesaid, that all persons professing themselves members of the Episcopal Church, who shall either hold, occupy, or enjoy a pew or seat in the said church, and shall regularly pay to the support of the said church, and such others as shall in the said church partake of the holy sacrament of the Lord's Supper, at least once in every year, being inhabitants of the city and county of New-York, shall be entitled to all the rights, privileges, benefits, and emoluments, which in and by the said charter and law first above mentioned, are designed to be secured to the inhabitants of the city of New-York in communion of the Church of England.

And whereas by the events of war, and in consequence of the capture of the city of New-York by the troops of his Britannic majesty, many of the well-affected inhabitants of the said city, who by the said charter and law were entitled to vote for members of the said corporation, were prevented from the due exercise of their rights, and many others who remained in this city, were deterred from voting by well-grounded apprehensions of the forces of his Britannic majesty, then in possession of the said city; by reason whereof no elections were held, but under the influence of the government of Great-Britain, then actually at open war with this state;

And whereas the council appointed by the act of the Legislature, entitled, "An Act to provide for the temporary government of the southern parts of this state, whenever the enemy shall abandon or shall be dispossessed of the same, and until the Legislature can be convened," passed the twenty-third of October, one thousand seven hundred and seventy-nine, upon the petition of sundry persons, styling themselves members of the said church; and after a full hearing of sundry other persons, claiming to be the church-wardens and vestrymen of the said church, re-

citing that there was, in the opinion of the council, reason to believe that the dissensions respecting the said church might materially endanger the peace of the said city, did, in effect, determine the said places of church-wardens and vestrymen to be vacant; and by their ordinance, dated the twelfth day of January, one thousand seven hundred and eighty-four, did vest the estate, real and personal, of the said corporation, in James Duane, Francis Lewis, Lewis Morris, Isaac Sears, William Duer, Daniel Dunscomb, Anthony Lispenard, John Rutherford, and William Bedlow, to be retained and kept by them, or any five of them, until such time as further legal provisions should be made in the premises;

And estate of the corporation vested in 9 persons.

And whereas it appears, that the following persons have been nominated and chosen, by a very respectable number of the members of the said corporation and society, as church-wardens and vestrymen, and by their humble petition have prayed that the said persons may be appointed as such.

Preamble.

IV. *Be it therefore further enacted, and it is hereby enacted by the authority aforesaid, that James Duane and Robert R. Livingston be the present church-wardens of the said corporation; and that Anthony Griffiths, Hercules Mulligan, Marinus Willet, John Stevens, Robert Troup, Thomas Tucker, Joshua Sands, Richard Morris, Francis Lewis, Lewis Morris, Isaac Sears, Daniel Dunscomb, William Bedlow, William Duer, John Rutherford, Anthony Lispenard, Thomas Grennell, William Mercier, Thomas Tillotson, and Christopher Miller, be the vestrymen of the said corporation; the said church-wardens and vestrymen to hold their places until the first usual day of election for church-wardens and vestrymen, which shall be held after Easter Sunday, which will be in the year of our Lord one thousand seven hundred and eighty-five; and that in the mean time in case of any vacancy by death or resignation of the rector, or either of the church-wardens or vestrymen, such vacancy to be filled up by the remaining church-wardens and vestrymen, in such manner as is prescribed in and by the charter and law constituting the said corporation as aforesaid.*

Present church-wardens and vestrymen appointed.

Their continuance in office.

Vacancies how to be filled up.

V. *Provided nevertheless, and be it further enacted, by the au-*

thority aforesaid, that nothing in this act contained, shall be construed, deemed, or taken to prejudice or injure the right or title of any person or persons whatsoever, to any of the lands or tenements occupied or claimed by the corporation aforesaid.

Proviso. Saving the right or title of claimants.

And in order fully to carry into full effect those parts of the constitution of this state which declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever hereafter be allowed within this state to all mankind, and that all acts of the Legislature of this state while a colony, and all parts thereof which may be construed to establish or maintain any particular denomination of Christians, or their ministers, be abrogated and rejected as repugnant to the said constitution.

And in order to remove all doubts which may arise in the minds of any persons with respect to the continuance, force, and effect of a certain act of the Legislature of this state while a colony, passed on the twenty-second day of September, one thousand six hundred and ninety-three, entitled, "An Act for settling a Ministry, and raising a Maintenance for them in the City of New-York, County of Richmond, Westchester, and the Queen's County;" and also of one other act, passed on the twenty-seventh day of June, one thousand seven hundred and four, entitled, "An Act for granting sundry Privileges and Powers to the Rector and inhabitants of the City of New-York, of the Communion of the Church of England, as by Law established;" and also of another act, passed on the fourth day of August, one thousand seven hundred and five, entitled, "An Act for the better explaining and more effectually putting in Execution an Act of General Assembly, entitled, An Act for settling a Ministry, and raising a Maintenance for them in the City of New-York, County of Richmond, Westchester, and Queen's County;" and also of one other act, passed on the twenty-seventh day of July, one thousand seven hundred and twenty-one, entitled, "An Act for the more equal and impartial assessing the Minister and Poor's Tax, to be raised within the City and County of New-York, Queen's County, Westchester County, and the County of Richmond;" and also

Preamble,

Reciting certain acts.

Implying a pre-eminence of the Church of England above others.

of one other act, passed the twenty-first day of September, one thousand seven hundred and forty-four, entitled, "An Act to alter the Time of electing Vestrymen and Church-wardens in Richmond County;" and also certain parts of one other act, passed the twenty-ninth day of November, one thousand seven hundred and forty-five, entitled, "An Act to enable the Inhabitants of the City of New-York, to choose annually two Vestrymen for each respective Ward within the said City," which do grant certain Immunities, Emoluments, and Privileges to the Episcopal Church, or that mode of Religious Worship, commonly called the Church of England, in the City and County of New-York, and the Counties of Richmond, Queen's and Westchester, and do establish and maintain the Ministers of that Denomination within the said Counties; and do also declare or imply a pre-eminence or distinction of the said Episcopal Church, or Church of England, over all other churches and other religious denominations.

VI. *Be it therefore further enacted by the authority aforesaid,* that the said acts for settling the ministry, and raising a maintenance for them in the city of New-York, counties of Richmond, Westchester, and Queen's county, for granting sundry privileges and powers to the rec- ^{Such acts re-} pealed. tor and inhabitants of the city of New York, of the communion of the Church of England, as by law established, for the better explaining and more effectually putting in execution an act of the General Assembly, entitled, "An Act for settling the Ministry and raising a Maintenance for them in the City of New-York, County of Richmond, Westchester, and Queen's County, for the more equal and impartial assessing the Minister and Poor's Tax, to be raised in the City and County of New-York, Queen's County, Westchester County, and the County of Richmond," for "altering the Time of electing Vestrymen and Church-wardens in Richmond County;" and also such certain parts of the act for "enabling the inhabitants of the city of New-York to choose annually two vestrymen for each respective ward within the said city," as do imply such pre-eminence and distinction, be, and are hereby declared to be fully and absolutely abrogated, abolished, annulled, repealed, and made void, as inconsistent with, and repugnant to the constitution of this state: And it is hereby further declared, that nothing in this act contained shall in any wise be con-

strued or understood to give any kind of pre-eminence or distinction to the Episcopal mode of religious worship within this state ; but that an universal equality between every religious denomination, according to the true spirit of the constitution, towards each other, shall for ever prevail.

VII. *And be it further enacted by the authority aforesaid,* that nothing in this act contained, shall be deemed, esteemed, adjudged, or construed, to enlarge or confirm any right, power, or authority, but such as the said corporation legally had, held, and enjoyed on the nineteenth day of April, one thousand seven hundred and seventy-five, and such other powers, rights and authorities as are expressly given by this act.

AN ACT

To enable the Corporation of Trinity Church, in the City of New-York, to assume the Name therein mentioned.

Passed 10th March, 1788.

WHEREAS the corporation of Trinity Church, in the city of New-York, were, by an act of the Legislature of the late colony of New-York, passed the twenty-seventh day of June, in the year one thousand seven hundred and four, enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of the Rector and Inhabitants of the City of New-York, in Communion of the Church of England, as by Law established. And whereas the said act was repealed by the Legislature of this State, on the seventeenth day of April, in the year one thousand seven hundred and eighty-four ; but the said corporation have continued to use the name therein specified, and by their humble petition to the Legislature of this State, have prayed that they may be enabled to assume and use the name of “ The Rector and Inhabitants of the City of New-York, in Communion of the Protestant Episcopal Church in the State of New-York.” Therefore

Be it enacted by the people of the State of New-York, represented in the Senate and Assembly, and it is hereby enacted by

Corporation of Trinity Church to take and use a new name, and to sue and be sued thereby. *the authority of the same*, that the said corporation shall and may, from and immediately after the passing of this act, take and use the name of the Rector and Inhabitants of the City of New-York, in Communion of the Protestant Episcopal Church in the State of New-York ; and by the same name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended ; and

And all grants made to, or by them, under their former name, between certain times to be valid. that all grants, deeds, and conveyances made to or by the said corporation, between the said seventeenth day of April, in the year one thousand seven hundred and eighty-four, and the passing of this act, wherein they are named or mentioned by

the name of the Rector and Inhabitants of the City of New-York, in Communion of the Church of England, as by law established, or any other name or names, shall be good, valid and effectual in law, in like manner as they would have been if the said act, passed the twenty-seventh day of June, in the year one thousand seven hundred and four, had never been repealed, or as they would respectively have been if the said corporation had been properly named in such grants, deeds, or conveyances.

AN ACT

To alter the name of the Corporation of Trinity Church, in New-York, and for other Purposes.

Passed January 25th, 1814.

Recital. WHEREAS, at the time of passing the act, entitled, “ An Act for making such alterations in the Charter of the Corporation of Trinity Church, as to render it more conformable to the Constitution of the State,” and for some years afterwards, the said corporation, although possessing several places of public worship besides Trinity Church, was the only incorporated religious society in the city of New-York in communion of the Protestant Episcopal Church in this State ; but several other religious societies, of the same denomination, have since been formed in the said city, and duly incorporated. And whereas, by an act passed the tenth day of March, in the year of our Lord 1788, the said corporation of Trinity Church was enabled to take and use the name of “ The Rector and Inhabitants of the City of

“ New-York in Communion of the Protestant Episcopal “ Church in the State of New-York ;” which name the said corporation, by their petition to the Legislature, pray may be altered, as having now become improper ; and that such further legislative provisions may be made as to remove all doubts respecting their charter rights, occasioned by the formation of other religious societies in the said city of New-York. Therefore

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the said corporation of Trinity Church, instead of their present name, shall take and use the Corporate name. name of “ The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the City of New-York.”

II. *And be it further enacted,* That all male persons of Persons qualified to vote. full age, who, for the space of one year preceding any election, shall have been members of the congregation of Trinity Church aforesaid, or any of the chapels belonging to the same, and forming part of the same religious corporation, and who shall hold, occupy, or enjoy a pew or seat in Trinity Church, or in any of the said chapels, or have partaken of the holy communion therein within the said year, and no other persons, shall be entitled to vote at the annual elections for the church-wardens and vestrymen of the said corporation.

III. *And be it further enacted,* That all grants and conveyances heretofore made, or that hereafter may Corporation may grant lands to other corporations. be made by the said corporation of Trinity Church of any of their lands, tenements, and hereditaments, to any other religious society, now incorporated, or that may hereafter be duly incorporated, shall be and the same are hereby declared to be valid and effectual, according to the tenor thereof; provided the annual Proviso. value of such lands, tenements, and hereditaments, at the time of such grant or conveyance, together with the other estate real and personal of such other religious corporations, shall not exceed the annual sum which they are or may be respectively entitled to hold.

IV. *And whereas* Saint George’s Church, in the city of Recital. New-York, formerly called Saint George’s Chapel, was one of the Chapels heretofore belonging to the corporation of Trinity Church, and the pew-holders in the said chapel, and others qualified according to the charter of Trini-

ty Church and the laws of the State, were corporators of the said corporation of Trinity Church. And whereas, by mutual agreement and consent, the said chapel, called Saint George's Chapel, with such of the corporators of the corporation of Trinity Church as belonged thereto, or statedly worshipped in the said chapel, have been set off, and organized as a distinct religious society, and have incorporated themselves as such, under the name of the Rector, Church-Wardens, and Vestrymen of St. George's Church in the city of New-York : and the corporation of Trinity Church have granted to, or vested in the said newly incorporated religious society, the exclusive right to the said chapel, with the appurtenances, and which are now enjoyed accordingly : but doubts are entertained as to the legal validity of the said transaction.

Therefore *be it further enacted*, That the separation of Saint George's Chapel, in the city of New-York, from the corporation of Trinity Church, shall be, and hereby ^{Saint George's Church declared a separate Church from Trinity Ch.} is confirmed : and that the said church, now called Saint George's Church, shall not at any time hereafter be held or taken to be a church or chapel belonging to Trinity Church, so as to qualify any of the congregation thereof to vote at the elections of church-wardens and vestrymen of Trinity Church above mentioned. And the said religious society called the rector, church-wardens, and vestrymen of Saint George's Church, in the city of New-York, shall have a right to all the temporalities derived ^{and to possess its separate estate.} from the corporation of Trinity Church as aforesaid, and may enjoy the same in as full and beneficial a manner as any such religious corporation can hold and enjoy its temporalities, howsoever the same may be acquired.

V. *And be it further enacted*, That when, and as often as it shall seem expedient to the said rector, church-wardens, and vestrymen of Trinity Church, in the ^{Corporation may set apart other churches, &c.} city of New-York, to divide the congregation or corporators belonging to the said corporation, it shall be lawful for them so to do, by setting apart, as a separate Church, any of the churches or chapels that may belong to and form part of the said corporation, provided the same be done with the assent of a majority of the persons entitled to vote as aforesaid, who shall ^{Proviso.} belong to such church or chapel intended to be set a-

part, and who shall attend a meeting to consider of such separation after at least ten days notice previously given for that purpose in the said church or chapel, during or immediately after divine service : and such separation so assented to shall take effect according to the terms agreed upon between the parties ; and the members of the congregation of such church or chapel so separated, shall immediately thereafter cease to be members of the corporation of Trinity Church above mentioned, and may proceed to incorporate themselves according to law as a separate congregation of the said Protestant Episcopal Church ; and being so incorporated, may receive from the said corporation of the Trinity Church, any grant, conveyance, or gift of any chapel or other real or personal estate for its separate use, and may hold and enjoy the same accordingly, as fully and beneficially as any such religious corporation can hold and enjoy its temporalities, howsoever the same may be acquired.

VI. *And be it further enacted*, That in every case where a church or religious society which has been, or may be duly incorporated, shall have exhibited such account and inventory as is specified in the ninth* section of the act entitled, “An Act to provide for the Incorporation of religious Societies,” it shall not be necessary for such church or society again to exhibit any account and inventory, unless the said church or society, subsequently to such exhibition, shall have purchased or acquired any lands, tenements, or hereditaments within this state, any act, law or usage to the contrary notwithstanding : Provided always, that nothing in this act contained shall be construed to affect, or defeat the right of any person or persons, or of any body corporate, to the estate, real or personal, now held, occupied, or enjoyed by the corporation of Trinity Church.

[NOTE.—The Petition of the Corporation of Trinity Church for the Act of 1814 was appended to Judge Troup’s remarks, preceding the following Memorial ; but inasmuch as it is inserted “in hæc verba” in the recent Remonstrance of that Corporation which is also printed, it has not been considered necessary to swell out this pamphlet by its repetition here.]

*[The *tenth* section of the law as revised and re-enacted in 1813, vide a previous note.]

MEMORIAL

OF THOMAS FARMAR AND OTHERS.

*To the Honorable the Legislature of the State of New-York :
The Memorial of the Subscribers, Members of the Protestant
Episcopal Church, and Inhabitants of the City of New-York,
Respectfully sheweth,*

That in the year 1697 a charter was granted by the Governor of the then province of New-York, whereby all persons in communion of the Protestant Episcopal Church, who were then inhabitants, or who might thereafter inhabit the city of New-York, were incorporated by the name of the Rector and Inhabitants of the City of New-York, in Communion of the Church of England, as by law established.

That in the year 1788 an act was passed, authorizing the said corporation to assume the name of the Rector and Inhabitants of the City of New-York, in communion of the Protestant Episcopal Church in the State of New-York.

That under colour of this act, or under some other pretence, the congregation of Trinity Church, the members of which are but a very small proportion of the Episcopal inhabitants of the said city, have usurped all the privileges, and taken into their possession all the property of the corporation ; thereby disfranchising, in respect to the said charter, a great majority of the Episcopal inhabitants of the city.

That your memorialists have learned, with great alarm, that the Vestry of Trinity Church, which is a body elected by the members of that congregation solely, have appointed a deputation to proceed to Albany, and to use their influence to obtain from the Legislature an act to confirm their unjust usurpations.

Your memorialists herewith submit to your Honorable Body a copy of the charter above referred to, and of the laws of the State which have been passed in reference to the same.

And they humbly pray that no law may be passed which will sanction the unjust proceedings of Trinity Church, or that may affect the rights of the Episcopal inhabitants of the city, who are not members of the Congregation of Trinity Church, but who have equal claims with them to the privileges and benefits of the charter.

Signed by order and in the behalf of the committee appointed by the general meeting of Episcopalians at Mechanic Hall, and in virtue of the third and fourth resolutions adopted at said meeting, a copy of which is herewith presented.

THOS. FARMAR, Chairman.

BENJ. FERRIS, Sec'y, P. T.

New-York, March 3d, 1813.

I certify the preceding to be a true copy of a memorial on file in the Senate of this State.

S. VISSCHER, Clerk.

RESOLUTION OF THE ASSEMBLY.

State of New-York:

In Assembly, March 25th, 1813.

Resolved, that the Attorney General be, and he hereby is requested to report to this House, whether in his opinion the passage of the bill entitled, "An Act to alter the Name of the Corporation of Trinity Church in New-York, and for other Purposes," would in any wise defeat or vary any existing vested rights under the charter granted May 6th, 1697, to "the Rector and Inhabitants, in communion of the Protestant Church of England, as now established by our laws," or under any acts altering the said charter.

By order,

JAS. VAN INGEN, Clerk.

REPORT OF THE ATTORNEY-GENERAL.

In Assembly, March 26th, 1813.

State of New-York.

The Attorney-General, in obedience to the resolution of the Hon. the Assembly of the 25th day of March instant,

Reported,

That he has examined a printed copy of the charter, granted in the year 1697, to the rector and inhabitants of the city of New-York, in communion of the Protestant Church of England, as then established by law, and the acts altering the said charter, together with the bill referred to in the said resolution, entitled, "An Act to alter the name of the Corporation of Trinity Church in the City of New-York, and for other Purposes," and that he is of opinion,

that the passage of the said bill will not defeat or vary any existing vested rights under the said charter and acts.

All which is respectfully submitted.

ABRAHAM VAN VECHTEN,
Attorney-General.

I certify the preceding to be a true copy of the original report of the Attorney-General, made to the House of Assembly, April 9th, 1813.

JAS. VAN INGEN,
Clerk of the House of Assembly.

OBJECTION

Of the Council of Revision to the Bill entitled, "An Act granting Relief in certain Cases to the Inhabitants of the City of New-York, and to the Inhabitants of the Town of Brooklyn, in King's County."

In Council of Revision, January 30, 1810.

The Council object to the bill entitled, "An Act granting Relief in certain Cases to the Inhabitants of the City of New-York, and to the Inhabitants of the Town of Brooklyn, in King's County," as improper to become a law of this State :

Because, if the conveyance across the East River, of the goods, wares, and merchandizes, described in the bill, is not interfered with by private rights, its provisions are useless : and if any such rights are claimed or exist, they are appropriately and exclusively of judicial cognizance.

ELISHA JENKINS, Secretary.

The first of these is the fact that the majority of the cases
of this kind are not reported to the authorities.
The second is the fact that the majority of the cases
of this kind are not reported to the authorities.

The third is the fact that the majority of the cases
of this kind are not reported to the authorities.
The fourth is the fact that the majority of the cases
of this kind are not reported to the authorities.

THE SECOND

The second of these is the fact that the majority of the cases
of this kind are not reported to the authorities.
The third is the fact that the majority of the cases
of this kind are not reported to the authorities.

The fourth is the fact that the majority of the cases
of this kind are not reported to the authorities.
The fifth is the fact that the majority of the cases
of this kind are not reported to the authorities.
The sixth is the fact that the majority of the cases
of this kind are not reported to the authorities.
The seventh is the fact that the majority of the cases
of this kind are not reported to the authorities.
The eighth is the fact that the majority of the cases
of this kind are not reported to the authorities.
The ninth is the fact that the majority of the cases
of this kind are not reported to the authorities.
The tenth is the fact that the majority of the cases
of this kind are not reported to the authorities.